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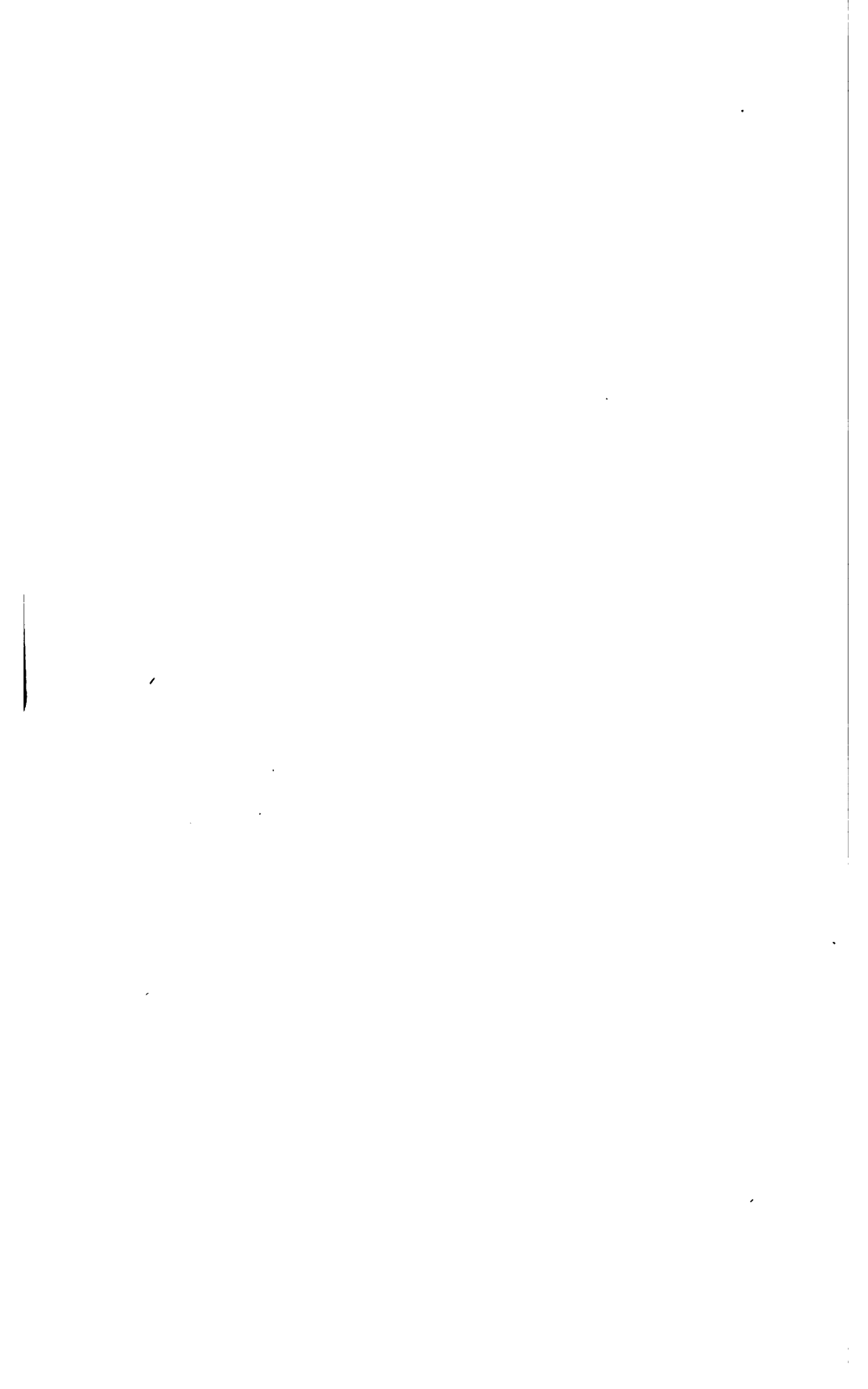
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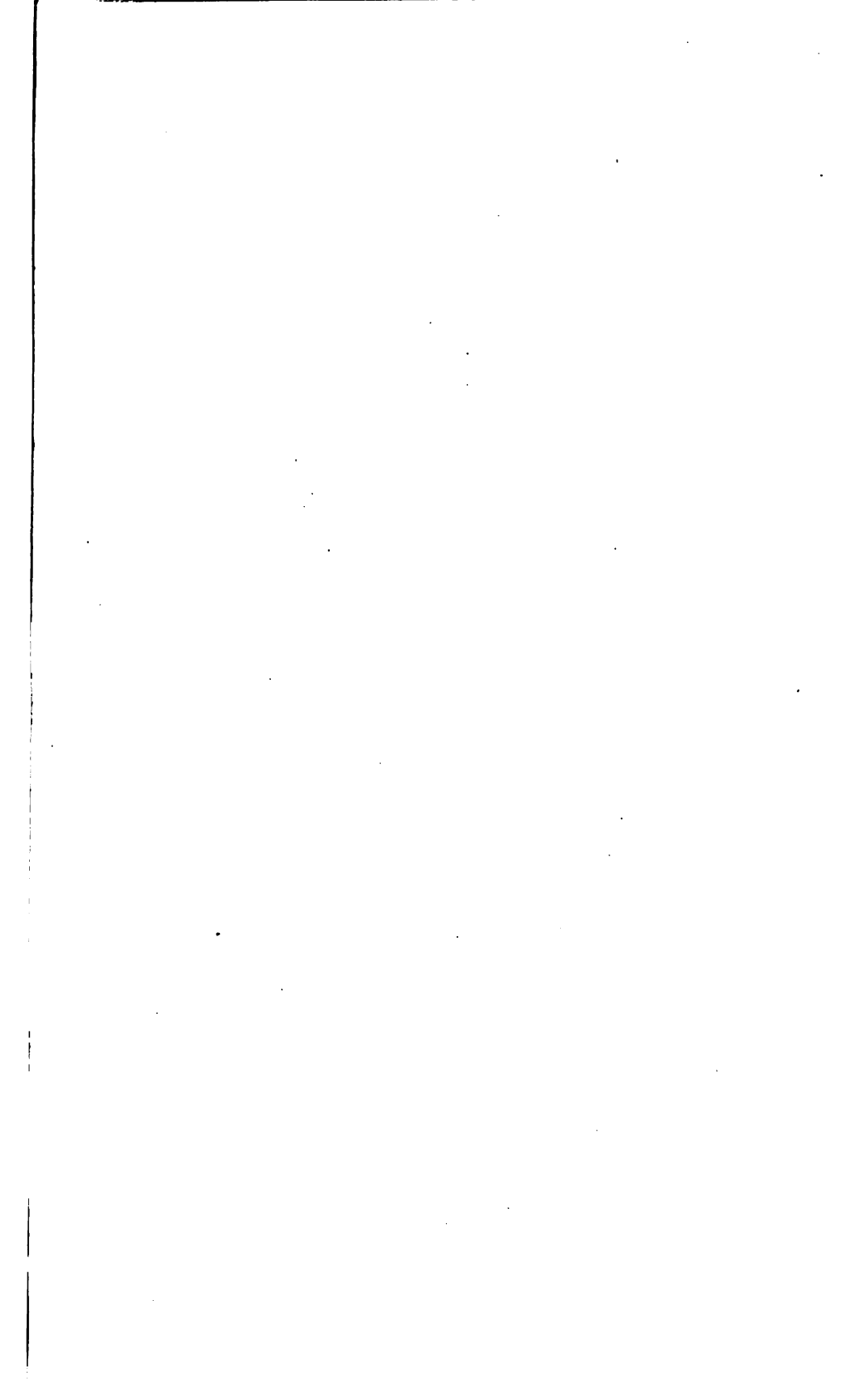
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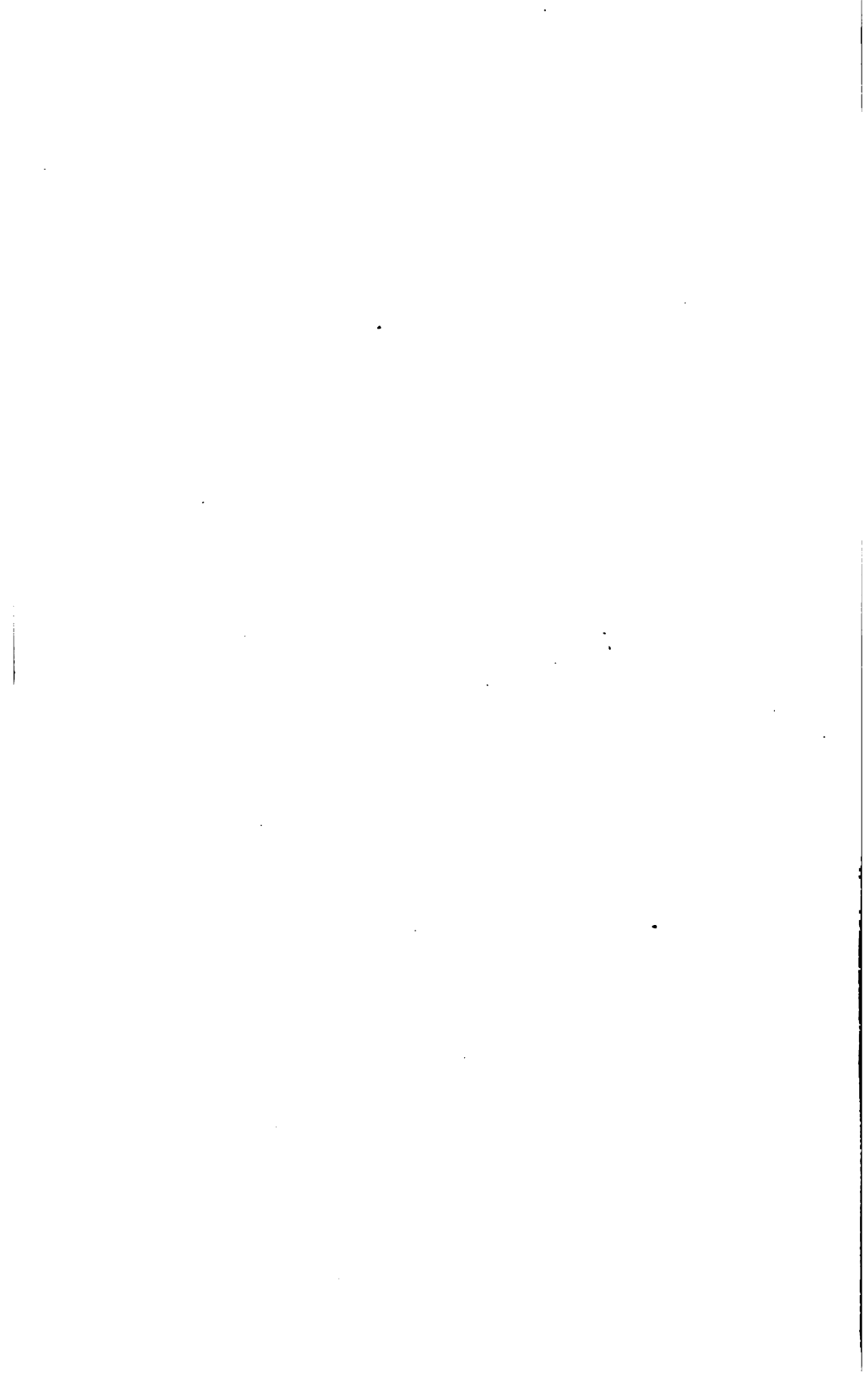


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HEARINGS

BEFORE THE

U.S. COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE
" OF THE HOUSE OF REPRESENTATIVES

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ON

SAFETY APPLIANCES

FEBRUARY 5-6 AND 13, 1909

WASHINGTON
GOVERNMENT PRINTING OFFICE
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COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
HOUSE OF REPRESENTATIVES,
Friday, February 5, 1909.

The committee met at 10.30 o'clock a. m., Hon. William P. Hepburn (chairman) presiding.

The CHAIRMAN. The special order for to-day is House bill 26725, "A bill to supplement an act entitled 'An act to promote the safety of employees and travelers upon railroads.'"

Mr. ESCH. Mr. Chairman, Mr. Borland, of the Interstate Commerce Commission, is now before the Committee on Appropriations. He wants to appear in behalf of the bill, and will try to be here before this session is finished. There are other gentlemen here who favor the legislation. The question is how much time we can devote to it in the hearing.

The CHAIRMAN. Are there any present in opposition to the bill?

Mr. FAULKNER. Yes, sir; there are some here, Mr. Chairman.

The CHAIRMAN. Who is here in favor of it?

Mr. ESCH. I do not know whether Mr. Fuller cares to be heard or not, but a representative of the switchmen is here, a representative of the conductors is here, and I suggest that we had better divide the time, Mr. Chairman.

The CHAIRMAN. Well, we will set an hour to devote to this matter this morning. That time can be equally divided, if that will be agreeable to you gentlemen.

Mr. FAULKNER. That will suit us.

Mr. PERHAM. I would state that Mr. Hawley, the president of the switchmen's organization, will be here in a short time. We expect him within fifteen minutes, and he is the most interested in favor of this bill. I would like to have a chance for him to speak on the subject.

The CHAIRMAN. Very well. Now, if one of you gentlemen will take control of the time in favor of the bill, thirty minutes, you may dispose of it as you please.

Mr. WANGER. You may take part of it, and the rest of it after the opposition has had its opportunity to address the committee.

The CHAIRMAN. You may take fifteen minutes now and then let the other side proceed.

Mr. ESCH. I would like to have Mr. Borland heard.

STATEMENT OF MR. H. B. PERHAM, PRESIDENT OF THE ORDER OF RAILROAD TELEGRAPHERS AND CHAIRMAN OF THE RAILROAD EMPLOYEES' DEPARTMENT OF THE AMERICAN FEDERATION OF LABOR, OF ST. LOUIS, MO.

Mr. PERHAM. Mr. Chairman, I desire to announce that those in favor of the bill are scarcely in position to proceed, because the friends of the bill are not here. All we can say is that we favor this bill as it is written and that there scarcely seems to be anything that

we could advance at this time that would promote the points, as they are so plain. Therefore we have nothing to talk about except that we favor this bill as written, and Mr. Hawley, who will arrive later, can give you all the particulars as to the reasons why he favors the bill.

The CHAIRMAN. Whom do you represent?

Mr. PERHAM. The telegraphers, freight handlers, switchmen, machinists, car repairers, railway clerks, boiler makers, blacksmiths, pipe fitters, trackmen. I believe that is about all.

The CHAIRMAN. What are the classes that are especially interested in this bill of those you represent?

Mr. PERHAM. The switchmen.

Mr. CUSHMAN. Switchmen and brakemen?

Mr. PERHAM. I do not represent the brakemen or trainmen; just the switchmen.

The CHAIRMAN. Very well; you may reserve the balance of your time now, if you choose. You have twenty-five minutes yet. You may reserve that.

Mr. PERHAM. Thank you. I will reserve that for Mr. Hawley when he arrives.

STATEMENT OF MR. M. N. GOSS, LEGISLATIVE REPRESENTATIVE OF THE ORDER OF RAILWAY CONDUCTORS.

Mr. Goss. I simply want to state that we favor the bill as a whole, and we are not here to oppose it in any way. We have nothing particular to say on the matter. It is simply a question which involves the safety of employees, and it is along the lines of the safety-appliance act, which we have all been working for and, therefore, from that standpoint we certainly are in favor of it. I can very readily see why there should be opposition, and no doubt it is on account of the additional expense, if any, that might be incurred. If it should involve any great amount, of course we would not want to be insistent, because it is not our purpose to impose any extraordinary hardships on railroads at this time, but our organization wants to be on record as favoring the proposition.

Mr. E. G. BUCKLAND. Mr. Chairman, may I ask a question?

The CHAIRMAN. Go ahead.

Mr. BUCKLAND. Is it not a fact, Mr. Goss, that nearly all of the cars in the country are now equipped with sill steps and hand brakes and ladders, running boards and grab irons.

Mr. Goss. That is true; but they are not uniform. I want to say further, that this bill was drawn up by the Interstate Commerce Commission, or in their office, and that the object is to define the law more clearly than what it is at the present time, so that there can be no mistake. That was the main object.

Mr. BUCKLAND. Then it is merely putting this new jurisdiction in the Interstate Commerce Commission and imposing a penalty for a failure?

Mr. Goss. In case of a violation of the law; yes.

Mr. RICHARDSON. The law is sufficient as it is now?

Mr. Goss. Yes, the law is sufficient. This only specifies how these things shall be put on the cars and how they shall be located, and so forth, and provides a penalty.

Mr. RICHARDSON. It would be a considerable expense to the railroads if they go through with this matter?

Mr. Goss. I am unable to say. There are other gentlemen here who can answer that question.

The CHAIRMAN. You say this comes from the Interstate Commerce Commission?

Mr. Goss. I want to qualify that by saying that I understand it was drawn up in the proper form through their advice. I was told that the Switchmen's Union are the principal ones who are interested in the proposition. I simply say that it did not originate with the Order of Railway Conductors.

Mr. RICHARDSON. Have you read the executive order issued by the President of the United States on January 6, 1909?

Mr. Goss. I have not.

Mr. RICHARDSON (reading):

The various appliances for the protection of trainmen on freight-train cars, with reference to running boards, ladders, sill steps, roof hand holds, and the position of brake shafts, as designated in the existing standards of the Master Car Builders' Association in the United States, shall be used by all carriers in the aforementioned Canal Zone.

Mr. Goss. That, of course, is an order, but this bill, as I understand, is to define and cover such things that have not been complied with and provides a penalty for failure to do so.

Mr. ESCH. This standardizes these various appliances?

Mr. Goss. Yes.

Mr. ESCH. As it is now, there is no way of penalizing the company for failure to use these devices?

Mr. Goss. No.

Mr. ESCH. And it is to put these grab irons, ladders, running boards, and so forth, on the same footing as couplers, air brakes, and other devices of that nature?

Mr. Goss. Exactly; to have them decide on which side to put them or how. On lots of cars the ladders are on the end. Some are on the side, and it is a very easy matter for brakemen going along over a train, and probably having gone up the side of a car just previously with a side ladder, to think another car to be equipped the same, jump down the side and make a mistake. I understand that it is to define those things so that there can be no error in that direction and save life and limb.

Mr. RYAN. Is it not the purpose of this bill to standardize the decision of the master car builders on those very things you are talking about—that is, they provide the style, where it shall be placed, the size, and all that sort of thing, and this legalizes their acts?

Mr. Goss. That is the purport of the bill, as I understand it.

Mr. RYAN. Is the organization that you represent favorable to that?

Mr. Goss. They are in favor of the bill as a whole, as I stated here. It is not a bill we have created or drawn up, but we are not in opposition to the proposition.

Mr. RYAN. You are willing to accept the proposition of the master car builders?

Mr. Goss. Yes; after a full hearing by all parties interested.

Mr. RICHARDSON. I understood you to say that this association created the provision of the law, and now they come and ask ratification by Congress of the provisions they made?

Mr. Goss. I did not state exactly that.

Mr. RYAN. That was the purport of it, as I understood.

Mr. STEVENS. The time is being exhausted, and I think these gentlemen would like to be heard in favor of the bill.

The CHAIRMAN. If there is any gentleman here now who desires to be heard, we will hear him.

Mr. H. R. FULLER. Mr. Chairman, excuse me just a moment. I occupy what to some may seem a peculiar position in regard to this bill. The organizations I represent are not opposed to the principle of legislation requiring these appliances, but as we read this bill now, and without hearing any discussion of the advocates of it, we are opposed to it, and after their explanation of the bill I would like to have an opportunity to say a few words. I only want a few minutes.

Mr. HUBBARD. Do you represent the switchmen?

Mr. FULLER. No; the Brotherhood of Locomotive Engineers, the Brotherhood of Locomotive Firemen and Enginemen, and the Brotherhood of Railroad Trainmen.

Mr. MANN. We heard you on the same proposition last year.

Mr. FULLER. Not on this bill.

Mr. MANN. Well, on the same proposition.

The CHAIRMAN. We will go on now with the presentation of the claims of those in favor of the bill if there is anybody here to speak in behalf of it.

Mr. PERHAM. Mr. Hawley, of the switchmen's organization, has arrived.

The CHAIRMAN. Mr. Hawley, we will be glad to hear you. You will have sixteen minutes.

STATEMENT OF MR. FRANK C. HAWLEY, INTERNATIONAL PRESIDENT OF THE SWITCHMEN'S UNION OF NORTH AMERICA.

Mr. HAWLEY. Mr. Chairman, I must first offer you an apology for delaying, but it was impossible for me to reach here any sooner. I came directly from the train without breakfast. I may also add that I am here without any data in connection with this bill, because it was my belief that the hearing would not be held for several days, and only the day before yesterday I returned to Buffalo from an extended trip west, and was obliged to leave without waiting for the data.

My position is that, owing to the many forms under which ladders, stirrups, grab irons, or, as they are called, hand holds, are placed upon the cars, that the power of designating a place should be reposed in the Interstate Commerce Commission. I do not want to speak from memory lest it might not be of sufficient force, but this very morning when coming into your city I saw five freight cars standing beside the main track and not any two of those had uniform stirrups. The hand hold on top of the car—pardon me for again saying that it is sometimes called a grab iron—is placed there with such little regard for the safety of the lives of those who have to use it as that they are frequently accomplished by accidents which result in death.

The CHAIRMAN. Will you please explain to the committee here just where the different appliances should be and why they should

be placed there. Of course, it is all very clear to one who is familiar with the matter.

Mr. ESCH. Possibly that plan of the master car builders might help you [passing a plan to the witness].

Mr. HAWLEY. This shows the end of the car, this front view. I do not know if it would be policy for me to express my opinion at this time as to where the ladders should be placed, but as to the uniformity of the appliances and the power given to those who should designate it. The illustration here shows the danger of the hand hold on top of the car, for it is so close to the edge that when one is crawling up he must throw himself with force over on the car in order to avoid being left without protection should the car suddenly start. Were the hand hold farther over from the end of the car, then there would be a chance for him to pull himself instead of throwing himself. Again, you frequently find that hand hold, instead of being crossways, paralleling the end of the car, which gives a man less chance to pull himself up.

Again, going back to the stirrup, switchmen are constantly compelled to jump on cars when they are moving, and it is a practice for them to grasp the grab iron on the side of the cars and be thrown. I believe Mr. Fuller will sustain me in that. When a man is thrown, he naturally expects to find his foot landing in a uniform place. If it is not uniform his foot may go below the stirrup or through the stirrup. If it goes below the stirrup he is liable to put his foot on the rail. Hence we find so many men with portions of their foot amputated. If it goes in the stirrup he is liable to other injuries to his person. If, on the other hand, they are uniform, then he will naturally put his foot in there from custom; and pardon me from also saying that these stirrups are placed on there with no consideration for those who use them. Take, for instance, a short man like me. In putting my foot on the stirrup on the side here, the distance between that stirrup and this first rung is so great that I must spring to get up there. There is no intermediate step there at all. If it were closer to the bottom of the car it would give me a chance to step up there without springing or pulling myself. You understand, do you?

Mr. RICHARDSON. Yes; but how are you going to regulate that as to the different heights of men?

Mr. HAWLEY. By having this closer to the bottom of the car would meet my conditions and the conditions of the tall men, too.

Mr. CUSHMAN. How would you build a uniform stirrup that would fit all sizes of men?

Mr. HAWLEY. By having it close to the bottom.

Mr. ADAMSON. Then it would be a great waste of material in case of a long-legged man. [Laughter.]

Mr. HAWLEY. Not a waste of material at all, but a saving of material, because when you compute the quantity of material put in the stirrups that are long—

Mr. ADAMSON. I spoke of the material in the legs. You might just as well have all men short-legged.

Mr. HAWLEY. God did not ordain that.

Mr. CUSHMAN. Then it ought to be a long stirrup in your case?

Mr. HAWLEY. No; a short stirrup, so that I could easily step up there.

Mr. RYAN. I would like to ask you whether or not the diagram you are examining there shows the location of those different appliances as provided for by the Master Car Builders' Association?

Mr. HAWLEY. So far as it applies to the Pennsylvania Railroad, it does. This shows a platform on the end of the car, and the end ladder. This shows a side ladder [indicating].

Mr. WANGER. Then the design of the Master Car Builders' Association is not approved by you; do I understand that?

Mr. HAWLEY. If this is it, I do not approve it. I can illustrate it. Here is the hand hold, and when I am climbing up I have nothing over there to save me should the engine suddenly stop; but when the hand hold is over there, I can travel over the top of the car and I can get up. Add to that a lamp in my hand, and then a club in my hand, which is necessary now, where they have these humps, you see how the dangers to the switchmen are augmented by these appliances.

Mr. ADAMSON. Do you mean that in addition to the hand holds on the side of the car you have an additional one on top of the car?

Mr. HAWLEY. Yes; when the grab iron is placed too near the end of the car.

Mr. RYAN. Just as this shows. Should it be farther toward the middle of the car, then a man's weight would be over there.

Mr. CUSHMAN. You said a moment ago that the stirrup should be short. Do you mean the distance from the bottom of the car to the bottom of the stirrup should be short, or the distance from the ground up?

Mr. HAWLEY. From the bottom of the car to the bottom of the stirrup.

Mr. CUSHMAN. Should be short?

Mr. HAWLEY. Yes, sir; because if a man is not sufficiently tall to swing himself on under those conditions he ought not to be employed.

The CHAIRMAN. How far ought that hand hold on the roof be from the end of the car?

Mr. HAWLEY. I could not determine, even approximately; I have the figures, but not with me.

Mr. RICHARDSON. What do you mean when you say that a man's foot may go through the stirrup; how would that happen?

Mr. RYAN. The stirrup is wide enough for the foot to go through.

Mr. RICHARDSON. That accounts for so many men having their feet cut off?

Mr. HAWLEY. Yes, sir.

Mr. RICHARDSON. How does that happen?

Mr. HAWLEY. He grasps the hand hold when the car is moving, and is swung around, and in swinging around, it is always with the expectation of putting his foot in the stirrup. If the stirrup is not of a uniform size he is likely to put his foot below it and the car runs over his foot.

Mr. RICHARDSON. What is the distance from the stirrup to the rail?

Mr. HAWLEY. Sometimes $2\frac{1}{2}$ or 3 feet. His whole weight goes down.

Mr. RYAN. That is very easily done.

Mr. ADAMSON. That is a good place to apply the philosophy "Look before you leap."

Mr. HAWLEY. They do not have time to do that; it is practice that makes a man an adept in that business.

Mr. RYAN. That is where there is a rule put up by the railroads that no man must board a car while in motion, or attempt to do any switching while in motion, but he is ordered to do the work within a certain time or he will lose his job, and consequently he has to take his chance.

Mr. HAWLEY. I will explain that very easily. In saying that, you are certainly telling the truth, and let me add that while the railroad companies do issue bulletins to that effect, if, as you say, the train is not made up in proper time, there is a cause created for his dismissal.

Mr. KENNEDY. As I understand it, a man who has hold of this hand hold right at the edge of the car, and nothing else to catch hold of, has to throw himself over in that way, and has nothing to hold him except this arm that is back under him.

Mr. HAWLEY. You have an exact understanding of it, sir.

Mr. HUBBARD. He does not have any aid from his arms?

Mr. HAWLEY. No, sir.

Mr. TOWNSEND. Should that ladder be on the side of the car or the end of the car?

Mr. HAWLEY. I think it would be better to have that determined by the Interstate Commerce Commission. I say that frankly, because some believe it ought to be on the end and others on the side.

Mr. MANN. Your position is that it ought to be in a uniform place?

Mr. HAWLEY. It ought to be, by all means; yes, sir; simply because these appliances are placed with the expectation of being used while the cars are in motion and not when they are standing still.

Mr. WANGER. Would the users all agree with you that uniformity is more important than either end or side location?

Mr. HAWLEY. Oh, no. Uniformity goes with the other changes. There certainly must be something done to improve the condition of hand holds as applied on the top of the car at the present time.

Mr. ADAMSON. Is there anything like an equal division of opinion as to whether they ought to be at the side or at the end?

Mr. HAWLEY. There certainly is a division of opinion.

Mr. ADAMSON. Anything like an equal division?

Mr. HAWLEY. Candidly, I would not like to say that.

Mr. WANGER. Do not men generally favor the location they are accustomed to?

Mr. HAWLEY. Well, I do not believe I compromise myself by saying this, if the law compels the carriers to have a proper distance between the tracks where switchmen are employed, every switchman will favor a side ladder.

Mr. ADAMSON. What is the distance now, when two average cars run along on parallel tracks—how far are they apart?

Mr. HAWLEY. I do not know any uniform distance. In many cases, I might say a majority, when the cars were made wider for increased capacity the distance between the tracks was not increased; hence the fact that some men advocate an end ladder.

Mr. ADAMSON. Approximately, about what is the distance now, 2 feet?

Mr. HAWLEY. Six and a half feet or 7 feet.

Mr. ADAMSON. Not between the tracks, between the cars?

Mr. HAWLEY. Some places have what they call "side swiping," they are so close.

Mr. ADAMSON. Is it generally the same distance between the two cars in the same train, the ends of the two cars that meet?

Mr. HAWLEY. Usually it is, but in many cases it is not, particularly where they have house tracks—that is, freight-house tracks.

Mr. TOWNSEND. Will a switchman take hold of a grab iron or a ladder that is between the cars when that train is in motion?

Mr. HAWLEY. On the end?

Mr. TOWNSEND. Yes.

Mr. HAWLEY. Yes, sir.

Mr. RYAN. He has to grab on to it wherever it is?

Mr. HAWLEY. Yes; he must grab it wherever it is. That is the practice.

Mr. RYAN. I would like to ask this, Mr. Hawley, it is not very safe for a switchman when a train is in motion going around a curve, if the ladder is on the end of the car, to climb the car then?

Mr. HAWLEY. No, sir; and again, if you are pushing cars and you want to slack up and go into a switch, the switchman has to go down the end ladder, and if the air is applied he may fall, and he can fall in no place except across the rail, and if the ladder is on the side he can fall outside.

Pardon me if I say something in relation to the brakes. There was a time when the brake could be applied by the hand with effect, but it is not so now. It seems as though the brakes are placed on the cars with the expectation of applying them by air, and as a result it makes it harder for a man to stop a car with hand brakes now than formerly. Since the coming of the interstate-commerce law there has been introduced an innovation in the yard service known as "hump engines," or "hump yards," where they push cars up an incline and they go down a decline, after being weighed, in the control of a man. There is some chance for a man's life in day-time, but absolutely none at night, because, owing to the condition of these brakes, the man must, in addition to his lamp, carry a club, so that he can throw his whole weight on the brake when applying it; and if the chain breaks, or if one of the spokes of the wheel breaks, there is a funeral; that is all.

Mr. KENNEDY. He has hold of a club, which comes out——

Mr. HAWLEY. Yes, sir; and he must have hold of the club when he is climbing about on cars, running from one car to another.

Mr. RYAN. Many of the railroad yards of the country now are gravity yards, too?

Mr. HAWLEY. Yes, sir.

Mr. ESCH. What do you say about running boards on top of the cars?

Mr. HAWLEY. The running boards, of course, were put on there with an eye to the safety of the switchmen as well as the brakemen. In that particular their dangers are the same, and we have not so much to contend with in that particular direction as have the men on the road. But there ought to be by all means uniformity in the foot-board as well as other appliances, especially where lack of uniformity will augment the dangers to the man who is using the footboards.

Mr. ESCH. That is, on switch engines?

Mr. HAWLEY. Oh, no; on the cars.

Mr. ESCH. You call the footboard the same as the running board that is on the roof of the car?

Mr. HAWLEY. The footboard on a switch engine is placed on the front and back, and if you ever saw much of the practical side of a switchman's life you would shut your eyes when you saw him getting on a switch engine, because he just stands in the middle of the track and as the engine comes along he steps onto the footboard while it is in motion and approaching him.

Mr. RYAN. He stands in the middle of the track and waits for it?

Mr. HAWLEY. Yes, sir; they have to do that.

Mr. RICHARDSON. What suggestion do you make in remedy for this?

Mr. HAWLEY. That is intended to be considered later on, because we believe that only a special bill can be used to cure that.

Mr. ESCH. As a rule, do you believe that the recommendations of the master car builders are proper and have proper regard for the safety of employees?

Mr. HAWLEY. I want to say this: If the Master Car Builders' and the Master Mechanics' associations would take propositions from the men who have to handle these conditions, then there would be a uniformity without appealing to you, in my judgment. But the appliances, to my mind, are placed entirely from a theoretical view point, and not from any information obtained by the practical men at all. Is it not common sense when I say that the man who uses these appliances is the man who could best tell where they should be applied?

Mr. ADAMSON. Do you think all the practical men would agree about these things?

Mr. HAWLEY. Oh, yes; because a great many switchmen west of this city are, in a great sense, nomads.

Mr. ADAMSON. Then there would be no difference of opinion between the man who was actually practicing—

Mr. HAWLEY. When I would say there would not be it would be of very little effect, for they are almost unanimous in regard to the uniformity of appliances, for when a man leaves the service of one company to enter the service of another he feels just as much at home as he did formerly, but in addition to that, because of the cars being used in interstate commerce, one company may have a uniform condition and the other company not, and there is scarcely a time when two of the same kind of cars follow.

The CHAIRMAN. Mr. Hawley, your time has expired.

Mr. HAWLEY. I thank you. I am very much obliged to you, gentlemen.

Mr. E. G. BUCKLAND. I would like to ask Mr. Hawley one question, because I think there has been a misstatement made to the committee unintentionally. I think Mr. Ryan asked a question, and you assumed that the question was predicated upon a proper foundation; that is, that a railroad company has rules to prevent employees, switchmen, and trainmen from getting on cars when they are in motion?

Mr. HAWLEY. Going between cars while they are in motion.

Mr. BUCKLAND. I thought you said getting on cars while they were in motion.

Mr. RYAN. No; I said going between cars; that regulations have been put in railroad yards by order of the railroad superintendent prohibiting the men from going between cars while in motion.

Mr. BUCKLAND. No; but not from getting on and off cars?

Mr. RYAN. Certainly not; the men can not do their work without violating that rule, and if they do violate that rule they are discharged.

The CHAIRMAN. We will now hear from the gentlemen on the other side.

STATEMENT OF MR. F. W. BRAZIER, SUPERINTENDENT OF ROLLING STOCK OF THE NEW YORK CENTRAL RAILROAD.

Mr. FAULKNER. Mr. Chairman, I would like Mr. Brazier, who is here from the New York Central, to address the committee. He is familiar with the matters relating to the master car builders' rules.

The CHAIRMAN. Do you desire to divide the time? Those in opposition to the bill have thirty minutes.

Mr. FULLER. May I ask whether I will get in under this arrangement, or how?

Mr. PAULDING. I do not understand Mr. Brazier will take up the full half hour, Mr. Chairman, and Mr. Fuller spoke to me before the meeting was called to order and I told him we had every disposition to let him in and give him part of the time.

The CHAIRMAN. Very well.

Mr. BRAZIER. Mr. Chairman, I might say that I am also ex-president of the Master Car Builders' Association. I must beg your pardon, but I did not think yesterday I would be here, I had such a very severe cold and my throat is in such bad shape. I am very conversant with the M. C. B. rules, and would say that I have a copy here, and I suppose you gentlemen are all conversant with them. I have worked a great deal in connection with the Interstate Commerce Commission, and the rules that stand at the present time are the recommended practices of the Master Car Builders' Association all over the country. In fact, we can not, under our rules of interchange, accept a car unless the ladders, handles, sill steps, and everything about them are according to the M. C. B. recommended practices. If we did that, we would no doubt be penalized.

Mr. TOWNSEND. Who would penalize you?

Mr. BRAZIER. The Government inspectors reinspect the trains after we inspect them in our yards.

Mr. ESCH. While they do inspect those appliances there is no power to punish for failure to come up to any standard?

Mr. BRAZIER. The question of the location of ladders, which is the principal thing I note in here, has been up a number of years, and this last year, at our June convention, we made some recommended changes which will in a way standardize the location, and also with regard to the position of what we call the roof hand hold, which is on top of the roof.

There is a great difference, I am free to say, on our line. We have not let it remain with such men as I am. I have been in the car department thirty-one years. We go out and get the opinions of our switchmen and our yard men, ask them what they think of it, and invite them into our meetings to get their opinions, and this report is signed by seven or eight of the brightest mechanical men in this country, who went through and made the recommended changes; and we believe that the Master Car Builders' rules—which, I am free to

say, the commission has always stood by—are clear, safe, and all right. I have put a great deal of time on them. As I say, for two years I was president of the association and worked with the committee. I am perhaps saying more than I need to and am not covering any point you gentlemen would like to ask me.

Mr. TOWNSEND. Where is your hand hold on the roof of the car?

Mr. BRAZIER. Our hand hold on the roof now runs parallel with the ladders. It formerly ran parallel to the side plates.

Mr. TOWNSEND. Are your ladders all on the side?

Mr. BRAZIER. They are all on the left-hand corner of the end of the cars.

Mr. RYAN. They are on the end of the cars?

Mr. BRAZIER. Yes.

Mr. RYAN. Is your hand hold close to the edge on the top?

Mr. BRAZIER. They go 4 or $4\frac{1}{2}$ inches.

Mr. TOWNSEND. That was the one that was opposed by Mr. Hawley as being too close.

Mr. RICHARDSON. Have the arrangements uniformity?

Mr. BRAZIER. Yes; they have now. As I say, there is a difference of opinion; but there is a recommended standard which we are all trying to follow.

Mr. MANN. Is there in fact now uniformity in the location of the grab irons and the ladders, and so forth, of the freight cars that come to the Union Depot over here, or that come to this city?

Mr. BRAZIER. To answer that question, of course, I would have to see the cars, but as a proposition throughout the whole country, there has not been a uniformity.

Mr. MANN. Is it desirable to have uniformity?

Mr. BRAZIER. Yes, sir; and that is what we have on our road.

Mr. MANN. That is the question; have you got it now?

Mr. BRAZIER. Yes, sir; by these rules.

Mr. MANN. Oh, yes; in the rules you have it; but have you uniformity on the cars?

Mr. ADAMSON. They put them in the rules, but they have not got them on the cars.

Mr. BRAZIER. They are all supposed to work from these rules.

Mr. MANN. Then, if we send somebody over here to look at the freight cars in the freight yards, will we find uniformity?

Mr. BRAZIER. No, sir; you will not.

Mr. MANN. Then they do not comply with the rules.

Mr. HUBBARD. When were these rules that require uniformity adopted?

Mr. BRAZIER. At our convention in June.

Mr. CUSHMAN. What year?

Mr. BRAZIER. Nineteen hundred and eight.

Mr. CUSHMAN. They were recommended to be adopted?

Mr. BRAZIER. They took effect the 1st of September, 1908.

Mr. MANN. You had rules before, did you not?

Mr. BRAZIER. Yes, sir.

Mr. MANN. You had the rules, but they were not complied with?

Mr. BRAZIER. There had just been a difference of opinion as to some of the points.

Mr. MANN. Do you not think it would make them lose time to try to agree, and would it not be better if Congress should pass an act requiring practical uniformity?

Mr. BRAZIER. If I would be allowed to give an opinion, I would say it has just been a difference of opinion about the location. We, as practical men, have made such rules and, as I understand, they are going to be lived up to.

Mr. MANN. Do you not think you would get them better lived up to if we were to help you?

Mr. ADAMSON. Do you not think these appliances would be put on cars quicker if Congress should pass a law, rather than to put it on your books?

Mr. BRAZIER. I repeat, I think, they are going to be lived up to. As I understand, the idea is simply to follow our recommended practices.

Mr. MANN. That is all right, but to have the authority of law behind it so that some obstreperous gentlemen somewhere who do not have proper respect for the Master Car Builders' Association would not be allowed to build cars in violation of those rules.

Mr. BRAZIER. I explained that, that they would not interchange cars unless they were according to the rules.

Mr. MANN. Well, are you not required, under the Interstate Commerce Act, to exchange cars for freight?

Mr. BRAZIER. No; the rules of interchange take care of that throughout the country. We do not need to deliver cars with any safety-appliance defects.

Mr. MANN. That is because it is a violation of law; but can you refuse to exchange cars because it is a violation of the rule of some road? If that is the case, that is a defect we ought to correct.

Mr. BRAZIER. There is such a difference of opinion—I was going to say I did not see the sketch they have here.

Mr. ADAMSON. Would it not be a good thing for Congress to help the Car Builders' Association by enacting into law substantially what they have provided in the rules?

Mr. BRAZIER. It is practically a standard rule.

Mr. TOWNSEND. Will you tell us what is your objection to the law now being enacted to compel observance by the railroads of the Master Car Builders' recommendations?

Mr. BRAZIER. Personally, I do not see anything wrong in indorsing what the master car builders—the practical men of the country—have recommended.

Mr. HUBBARD. Are you willing to leave that to the Interstate Commerce Commission?

Mr. BRAZIER. As far as I am concerned, I do not see any harm in that. It is a question of a slight variation in location. As you notice, we say here it is preferable to have them on the left-hand corner.

Mr. ESCH. As showing the necessity for legislation of this kind, Secretary Moseley, of the commission, testified before the committee last year as follows:

Under present conditions, while the master car builders' standards provide rules for the proper application and location of the various devices, there is no penalty attached to nonobservance of these rules. As a consequence, individual

members of the association prefer to follow their own ideas with regard to the application of these appliances to cars rather than to comply with the rules which perhaps they themselves have assented to in the association's conventions.

Mr. BRAZIER. That would be easily overcome, because we will soon get in a position where we will have to decline cars unless they are according to the adopted rules.

Mr. MANN. But you do not decline them now?

Mr. BRAZIER. No, not on the location of the ladders an inch or two out.

Mr. MANN. Would you decline them on the location of the grab irons?

Mr. BRAZIER. We would not accept a car unless the grab handle and sill steps were according to the rules, because we know very well that would be a violation of the law. We do not accept them.

Mr. MANN. What I wanted to get at was whether, if some of us go and look at the cars in the yards here, we would find that those cars do comply with the present rules of the Master Car Builders' Association.

The CHAIRMAN. Coming to a practical proposition, would it be expensive to require uniformity in these particulars? Are these not all comparatively inexpensive devices?

Mr. BRAZIER. They would be in providing new equipment. To change over a great many cars now running would be quite an expense. For instance, some car might have the ladders 8 inches from the ends. That is what we call the projected end sills. I think the train men prefer it that way. It would be quite an expense to compel those roads to carry those ladders out 8 inches.

Mr. TOWNSEND. What are those roads going to do if you refuse to haul the cars?

Mr. BRAZIER. If these sill steps and grab handles all conform to the law, the men get on the cars and step on the end sills and can walk along this way [indicating].

Mr. RYAN. You spoke a few moments ago about the practice of consulting the men in regard to the location of those different appliances. Were the men consulted, to your knowledge, to any extent with regard to the location of a grab iron or a hand hold on the top of the car that was only placed four inches and a half from the edge?

Mr. BRAZIER. Yes.

Mr. RYAN. And the switchmen approved of it at that place?

Mr. BRAZIER. At Buffalo, Mr. James McBeth—

Mr. RYAN. He is dead now; and he was master car builder of your road there, was he not?

Mr. BRAZIER. Yes, sir; and he took it up and made a report to me of the difference of opinion, and I went out in the yard with him a number of times and consulted different men.

Mr. RYAN. Of course, Jim McBeth has been dead several years.

Mr. BRAZIER. A year ago the 5th of July he died.

Mr. HUBBARD. Can the hand holds be fixed as securely a couple of feet from the edge as right at the edge?

Mr. BRAZIER. Not very well. While they are near the edge they go around what they call the oak end plate, and if they carry them a few inches more we would have to put them with the bolts down through in order to make them safe.

Mr. HUBBARD. What would be the difficulty in making that addition to the roof boards?

Mr. BRAZIER. We would have to take up a section of the roof to do it, and no doubt it would cost in the neighborhood of \$2 or \$3 a car to do it right, to carry it back a number of inches.

Mr. HUBBARD. Then they would be just as secure as now, when fastened in the oak plate?

Mr. BRAZIER. Yes, by putting on this furring piece; but there is such a difference of opinion. Personally I prefer the end bar to the side, and I will tell you why. If I get up on a car I can reach over and move myself up, but with it this way you have to pull yourself over. The switchmen want it this way.

Mr. HUBBARD. You mean parallel to the side that you reach around, the side of the car?

Mr. BRAZIER. No; you go up the end ladder. Here is the grab handle right here, and I reach in here and I have something to catch hold of.

Mr. HUBBARD. Why could you not reach just as well if you set it at right angles?

Mr. BRAZIER. Another thing, this old-fashioned way was intended to keep the switchmen from slipping off on frosty mornings. We used to think we could catch the boys from falling down.

Mr. KENNEDY. They do not have it now where you describe it?

Mr. BRAZIER. That is standard on most roads, and they are changing and putting them here.

Mr. RYAN. Mr. Hawley is from Buffalo, and I myself am from Buffalo, and I know probably 70 per cent of all the switchmen in Buffalo, and I have talked with a great many of them about lots of accidents, and I never heard anybody say he wanted the thing the way you speak of it. Mr. Hawley has told me he knows of no talk among the switchmen as to having the hand hold on top of the car located as you say, and yet you say it was in Buffalo, under Mr. McBeth, who was your master builder, that a strong opinion from the switchmen was obtained that they wanted the hand holds horizontal with the ladder—

Mr. BRAZIER. Yes, sir.

Mr. RYAN. Which is manifestly the wrong way to have it; anybody knows that.

Mr. BRAZIER. Then you agree that the old-fashioned way was the best way?

Mr. RYAN. There is no doubt about it, excepting you put it farther away. If you have the hand holds on the back of something you want to climb up to, that is, close to the edge, it is apparent you will have difficulty in getting on top if the car is moving.

Mr. BRAZIER. You see, Mr. Chairman, that is the difference of opinion that we are up against all the time.

Mr. RYAN. The switchmen feel just like I do.

Mr. CUSHMAN. If this legislation has any purpose whatever, it is to secure uniformity of the appliances?

Mr. BRAZIER. Yes, sir.

Mr. CUSHMAN. Now, if there is a desire to secure uniformity of appliances, it has to meet the opinion of the men who use the appliances?

Mr. BRAZIER. Yes.

Mr. CUSHMAN. If there is no uniformity in the methods of using the appliances, as to how they ought to be applied, how are we going to meet that difficulty by providing a uniformity? In other words, you chase yourself around in a circle; at the starting point you have a disagreement among the men who use the appliances, and after you have chased them around in a circle you have the same disagreement, which would be the exact reason which started the discussion.

Mr. BRAZIER. If I understood Mr. Hawley correctly, the trainmen thought the ladder would be in a certain location and they would hang off the car. That was an objection to that. The men would think the ladder was there and they would drop down, according to Mr. Hawley's argument, and that is just the reason why they are changing the roof handle, so that it will be parallel to the ladder.

Mr. RYAN. It is too close to the edge.

Mr. HUBBARD. That is another question. If you have uniformity, that objection would disappear.

Mr. BRAZIER. Then, you see, gentlemen, if your roof handle was on here, that shows that your ladder is at the side of the car.

Mr. RYAN. I would wager that 80 per cent of the switchmen of Buffalo are against the end ladder and against the end hold 4 inches from the car.

Mr. TOWNSEND. Laying aside the question as to what the uniformity should consist of, your Master Car Builders' Association have attempted to establish uniformity?

Mr. BRAZIER. Yes; we have.

Mr. TOWNSEND. But the railroads are not observing that?

Mr. BRAZIER. I think that they are; I know we are.

Mr. TOWNSEND. Do the railroads propose to change the old cars that are now in existence to meet those conditions proposed?

Mr. BRAZIER. Yes, sir.

Mr. TOWNSEND. When are they going to do it?

Mr. BRAZIER. We are doing it. Every car that goes through our shops on the repair tracks of our New York Central is changed.

Mr. WANGER. How is that with reference to the other great systems of the country?

Mr. BRAZIER. I do not know, but I understand the Pennsylvania roads are doing the same thing.

Mr. KNOWLAND. If that is the case, what objection is there to this bill?

Mr. WANGER. You are not sending cars especially to the shops to have these things changed?

Mr. BRAZIER. No, sir; but at the present time we have many idle cars, and we are going out in the yards and doing it.

Mr. ADAMSON. When a car has to go into the shop for any purpose you put them on before it goes out?

Mr. BRAZIER. Yes, sir.

Mr. HUBBARD. How about idle cars that do not need to be repaired; are you making those repairs on those cars?

Mr. BRAZIER. I said that we were going out in the yards and trying to catch as many as we can.

Mr. HUBBARD. Although they do not need other repairs?

Mr. BRAZIER. Oh, no.

Mr. RICHARDSON. As I understand you, you are not opposed to the requirements of this bill, but you simply want time to do it?

Mr. BRAZIER. Yes, sir; we are complying with them.

Mr. RICHARDSON. And you do not object to the law?

Mr. BRAZIER. I do not see any objection.

Mr. LOVERING. Mr. Brazier, what is the expense of the equipment of a car with these appliances?

Mr. BRAZIER. I do not know that I caught that question.

Mr. LOVERING. About what is the expense of the equipment of the car?

Mr. BRAZIER. What do you mean; the ladders and grab handles?

Mr. LOVERING. The whole outfit.

Mr. BRAZIER. I would not want to say right offhand.

Mr. LOVERING. About what?

Mr. BRAZIER. The parts covered by the bill?

Mr. LOVERING. Yes.

Mr. BRAZIER. The ladders and grab handles, no doubt——

Mr. FAULKNER. And the brakes?

Mr. BRAZIER. Are the brakes included?

Mr. FAULKNER. Yes.

Mr. RYAN. Why is the brake included?

Mr. BRAZIER. Ask him.

Mr. RYAN. You are a car builder. This is the ladder, the foothold, and the hand hold. What has the brake to do with it? Nothing at all.

Mr. ESCH. The bill requires hand brakes.

Mr. RYAN. I know it; but they are on the car; you do not have to change it.

Mr. ADAMSON. I understand that provision. You think this legislation unnecessary because the railroads are doing these things anyhow?

Mr. BRAZIER. That is just the point; but I want to answer that gentleman's question before I get away. He has asked me about the cost, and, while I would not want to be quoted, we have to make up an estimate, as we often do. I understand your question to be this, what it would cost to change the ladders, grab handles, sill steps, and make them conform to this law?

Mr. LOVERING. No; I did not ask you that question; but what it would cost to equip a car with the appliances required by this bill?

Mr. BRAZIER. I would say the ladders, grab handles, and so forth, would cost, on a car, in the neighborhood of \$7 or \$8.

Mr. LOVERING. Have you any objection to stating what you think it would cost to make the changes? Take it on the Pennsylvania road, for instance?

Mr. BRAZIER. I do not know anything about the Pennsylvania road, but they are standard.

Mr. LOVERING. Well, take the New York Central.

Mr. BRAZIER. The New York Central very fortunately uses ladders just according to this bill, and the only thing we have to change is the roof handles. That is costing us about \$2 per car.

Mr. LOVERING. Two dollars a car?

Mr. BRAZIER. Yes; by changing the roof grab handles over parallel with the ends. That is the only thing we have to do, and we are doing it. I suppose we have changed 4,000 or 5,000 cars since the vote in September was taken.

Mr. ESCH. Mr. Brazier, the New York Central, which you represent, and the Pennsylvania are of course the most progressive systems in the United States. They might not need this legislation to bring them up to the standard, but do you not think it would be advisable to have legislation to bring up other systems in the United States which are more laggard?

Mr. BRAZIER. From that point of view I would want to agree with you, but the association has done so much and is so strong that the other roads are coming in line. You will not see any new equipment built the last year but what conforms. I might say that these gentlemen spoke about hand brakes. Our cars are all equipped with air. The New York Central has special inspectors to inspect cars before they go over the humps, because we have had so many break-ages we had to protect ourselves. We had so many cases where cars were broken, and the brakemen would say, "The brakes were no good."

Mr. KENNEDY. As your cars become more and more uniform, suppose you get 90 per cent of your cars all alike, but there remains one car in the end that differs, it becomes much more a menace to the safety of the brakemen, because he expects it to be uniform. Ought we not make them correct the few cars that are not right, and do it quickly?

Mr. BRAZIER. That is just exactly what we are doing now. I guess all the leading roads of the country are doing it.

The CHAIRMAN. I must remind you that but five minutes of your time remains, if you propose to divide it with anyone.

Mr. BRAZIER. I only hope I made myself clear.

Mr. HUBBARD. Considering all these things, do you object to the enactment of this bill?

Mr. BRAZIER. I should not object to anything that looks to the standardizing of the Master Car Builders' rules, because they are made by practical railroaders. I hope I have made myself clear, and beg your pardon for my thickness. Mr. Chairman, there is one thing you want to understand and that is, of course it takes time to do these things and we ought to be given sufficient time to comply.

Mr. BARTLETT. How long?

Mr. BRAZIER. The point that I did omit to say was that we have found, amongst the Master Car Builders' Association, what we call "practical men," that modifications and such things have come up which are to the advantage of all concerned and have worked them in. As far as how long is concerned, the cars generally go through the shops at least once a year, and it seems to be that they ought to all get their equipment through inside of two years.

Mr. ESCH. This bill does not become operative until January 1, 1910.

Mr. BRAZIER. Yes, sir.

Mr. FAULKNER. Mr. Fuller can occupy the balance of the time if he desires to say anything. That was the understanding with Mr. Fuller, I understood.

STATEMENT OF MR. E. G. BUCKLAND, VICE-PRESIDENT OF THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY.

Mr. BUCKLAND. I want to point out one defect in this bill which I think is characteristic of the other safety-appliance acts. You merely make the railroad companies insurers of the security of their safety

appliances without putting any obligation whatever upon the employee of the railroad company to report any defect in the safety appliance.

Mr. RYAN. Has not the railroad inspectors for that purpose?

Mr. BUCKLAND. The railroad inspectors may not perform their duty.

Mr. RYAN. They are the ones employed by the railroad?

Mr. BUCKLAND. You put nothing in the bill—

Mr. BARTLETT. What would you put?

Mr. BUCKLAND. I would put something in the bill that where the railroad inspector did not do his duty properly he should be answerable.

Mr. RYAN. Their statement is rendered to you.

Mr. BUCKLAND. Suppose they do not do it. I am speaking to you of an actual fact. There is an army of 2,000 spies under the authority of the Interstate Commerce Commission reporting these defective appliances, and they never stop to inquire whether or not the railroad company as a corporation has used care in selecting competent and careful inspectors, but the minute they find a defective appliance in the possession of any railroad company it is reported and made the basis of a suit against the railroad company.

Mr. RICHARDSON. Do they go in disguise?

Mr. BUCKLAND. They go in plain clothes.

Mr. MANN. Do you know they have 2,000?

Mr. BUCKLAND. Twenty-five hundred.

Mr. MANN. What are they paid out of?

Mr. BUCKLAND. I do not know.

Mr. MANN. Are they paid at all?

Mr. BUCKLAND. I am quoting the Secretary of the Interstate Commerce Commission.

Mr. MANN. You can divide that by about 100.

Mr. BUCKLAND. I am quoting what the secretary of the commission told me. What I say is this: Put the fault where it belongs. If a railroad company refuses deliberately to adopt a safety appliance, or after reasonable notice refuses to put it in good order, penalize it.

Mr. ADAMSON. You want them to inspect the employees as well as the physical appliances?

Mr. BUCKLAND. I want the Government of the United States, if it is going to make a law here, to make a fair law and put the blame where it belongs.

Mr. HUBBARD. Is it your suggestion that the law should provide for the punishment of an inspector appointed by the railroad company who may not do his duty?

Mr. BUCKLAND. Exactly that. I think that there should be a proviso that any employee of a railroad who refuses to make reports, or to perform his duties for which the railroad company itself may be prosecuted, either criminally or under a penalty as provided here, ought to be equally liable.

Mr. TOWNSEND. Did I understand you to say that the secretary of the Interstate Commerce Commission told you that there were over 2,000 safety-appliance inspectors?

Mr. BUCKLAND. On the occasion, Mr. Townsend, when the question arose as to the enforcement of the sixteen-hour law and a discussion

of it between him and myself and a representative of another railroad, he very much objected to the attitude which the railroad companies were taking, particularly in trying the case before the federal court in Richmond, Va., saying that if the railroads continued in that attitude they would have to add to the army of some twenty-four or twenty-five hundred spies which the Interstate Commerce Commission are to-day forced to employ in this matter.

Mr. ESCH. I have just been informed by Mr. Borland, of the commission, that there are only 21 inspectors now under the safety-appliance act.

Mr. BUCKLAND. Then I misunderstood Mr. Mosely.

Mr. RYAN. They must have borrowed all that secret-service force that the President had.

Mr. RICHARDSON. Probably they are employing outsiders, and they do not come within that 21.

Mr. BUCKLAND. All that I know is that there are from time to time reports made of various railroad companies of facts of which the railroad companies, as corporations, are not in the slightest degree to blame; but there is no answer to be obtained from the Government excepting the fact "that the safety appliance was out of order at the time, and we do not care anything more about it, and therefore you have to pay us \$100."

Mr. BARTLETT. Is that not true in every other corporation that acts through its agents or employees—that the corporation is bound under all laws to be responsible?

Mr. BUCKLAND. I have no objection to applying the law of agency, but I think that there should be some means whereby the employee may be held up to as strict a statement of duty as the Government expects to hold the railroad for.

Mr. MANN. Has your question anything to do with this act that provides uniformity? The law now provides that you shall provide these appliances.

Mr. BUCKLAND. Yes, sir. In section 2 it provides:

That on and after January first, nineteen hundred and ten * * * all cars must be equipped with secure sill steps and efficient hand brakes; all cars requiring secure ladders and secure running boards shall be equipped with such ladders and running boards, and all cars having ladders shall also be equipped with secure hand holds or grab irons on their roofs at the tops of such ladders.

Mr. MANN. That is the law now.

Mr. BUCKLAND. That is the law with reference to other safety appliances.

Mr. MANN. It is the law with reference to those safety appliances.

Mr. BUCKLAND. No; there is no law on it. [Reading:]

That any common carrier subject to this act, using, hauling, or permitting to be hauled or used—

It does not say knowingly or intentionally—

Any car subject to the requirements of this act, not equipped as provided in this act, shall be liable to a penalty of one hundred dollars.

Without any reference to whether the company has used any efforts whatever to make that secure.

Mr. KENNEDY. It is the primary duty of the company to know.

Mr. BUCKLAND. I have no doubt. I appreciate what the decisions of the courts are, but I say when we come before a legislative body

like this and ask for fair treatment as between the railroad companies and the Government, and the railroad companies and their employees, we are entitled to say to you, as I am saying to you, that the blame be placed where it does belong.

Mr. RICHARDSON. What is your remedy? Does it come in at section 4?

Mr. BUCKLAND. Yes.

Mr. RICHARDSON. What is it? Read it.

Mr. BUCKLAND. I have not drafted it.

Mr. BARTLETT. Would not the discharge of the employee who had neglected to report to the railroad who employed him be sufficient punishment?

Mr. BUCKLAND. Not at all. The probabilities are that the grievance committee would be before you in the next twenty-four hours and there would be a strike on your road if you did not put him back.

(Thereupon, at 11.55 o'clock a. m., the committee adjourned until tomorrow, Saturday, February 6, 1909, at 11 o'clock a. m.)

The following amendments were proposed by Mr. Buckland:

SEC. 4. That any common carrier subject to the act, or any officer, agent, or employee of such common carrier, knowingly or negligently hauling or permitting to be used or hauled, any car subject to the requirements of this act not equipped as provided in this act shall be liable to a penalty of one hundred dollars for each and every violation, to be recovered as provided in section six of the act of March second, eighteen hundred and ninety-three, as amended April first, eighteen hundred and ninety-six: *Provided*, That where any car shall have been properly equipped as provided in this act and such equipment shall have become insecure, such car may be hauled to the nearest repair shop located upon the tracks of the company where such defect is first discovered without violation of this act.

SEC. 4½. That any employee of any common carrier subject to this act who shall be charged with the duty of inspecting and reporting to any officer or agent of such company any defect in the appliance which by the law of the United States is now or may be hereafter required to be used upon any car or locomotive while the same is engaged in interstate commerce, who shall fail or refuse to inspect and report such defect while such car or locomotive is so engaged, shall be deemed guilty of a misdemeanor, and shall upon conviction thereof be punished by a fine of not exceeding one hundred dollars or by imprisonment for not exceeding thirty days, or by both such fine and imprisonment.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
HOUSE OF REPRESENTATIVES,
Saturday, February 6, 1909.

The committee met at 11 o'clock a. m., Hon. William P. Hepburn (chairman) presiding.

The CHAIRMAN. The committee will be in order. Gentlemen, I have a letter here from Mr. Knapp, chairman of the Interstate Commerce Commission. He says:

INTERSTATE COMMERCE COMMISSION,
Washington, February 4, 1909.

HON. WILLIAM P. HEPBURN,
*Chairman Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D. C.*

DEAR SIR: In compliance with the request of your committee, under date of January 27, I have the honor to submit the following for the commission in

reference to the bill (H. R. 26725) supplementing the existing laws to promote the safety of employees and travelers upon railroads.

This bill in its principal features is in accordance with the recommendations of the commission and its enactment is therefore approved. In some minor particulars, however, we are of the opinion that the bill should be amended.

1. The commission should be allowed more than ninety days from the passage of the act for performing the duties imposed by the third section. We suggest that at least four months, and preferably six months, be allowed for this purpose.

2. The bill should plainly permit the commission to distinguish between cars now in use and new cars hereafter acquired. It is not only important to have these additional safety appliances, but almost equally important that they be uniform in character and location upon cars. The type of appliances and position in which they are to be placed may require expensive changes in present equipment, which perhaps ought not to be incurred. In other words, if new cars are equipped in the manner deemed best for the greatest safety, it might be reasonable to allow cars now in use to be continued in use with only such minor changes as can be made without great expense.

3. The time within which to equip new cars according to the best standard need not be long, perhaps not more than three months, but the time for altering old cars ought to be somewhat longer, say six to twelve months; and perhaps the commission should have authority, after hearing and for good cause shown, to extend the time fixed for compliance, as was provided in the original safety-appliance laws.

Very respectfully,

MARTIN A. KNAPP,
Chairman.

STATEMENT OF MR. H. R. FULLER, NATIONAL LEGISLATIVE REPRESENTATIVE OF THE BROTHERHOOD OF LOCOMOTIVE ENGINEERS, BROTHERHOOD OF LOCOMOTIVE FIREMEN AND ENGINEMEN, AND BROTHERHOOD OF RAILROAD TRAINMEN.

The CHAIRMAN. Mr. Fuller, are you ready to proceed now?

Mr. FULLER. Yes, sir.

The CHAIRMAN. How much time do you want?

Mr. FULLER. Mr. Chairman, I want only a short time. I have my notes here together and I can get rid of them in a very few minutes, and then I will be glad to answer any questions the committee will want to ask, and I think we can save time by doing it in that way.

The CHAIRMAN. Fifteen minutes will be allotted to you, and I shall call time on you at the end of that period. You may proceed.

Mr. FULLER. Mr. Chairman, I can no better state the position of the organizations I represent than to reiterate in substance what I said before the committee at the last session, when you had this same subject under consideration in the form of another bill; and that was that I hoped this committee would not misunderstand my position in opposing legislation the apparent purpose of which was to promote the safety of the railroad employees of the country, for we favor such legislation, always have, and do now. But we think mistakes can be made by honest men in their endeavors to procure legislation. I said at that time we thought the bills then before you were not right. I say the same with regard to the bill before you now, for I think it is also wrong, because we think that this bill, H. R. 26725, introduced by Representative Watson, of Indiana, on January 19 of the present year, proposes to do in an indirect way what House bill 17051, also introduced by Mr. Watson on February 13 of last year, did in a direct way; that is, to make the Master Car Builders' stand-

ards the law. The bill introduced by Mr. Watson last year specifically so provides in plain language.

This bill now before you proposes to give the Interstate Commerce Commission the authority to fix these standards, and in view of our experience and the history of this legislation we believe that if you pass this bill in its present form the Master Car Builders' standards, some of which are objectionable to the men I represent, will be made the law. This bill proposes—and I might say it is remarkable in that particular—to give the Interstate Commerce Commission the authority to fix these standards without hearing. It is true it provides that after the commission has once fixed them they can not be changed without a hearing, but as to the fixing of the standards in the first instance they are not required to give any hearing whatever.

You heard some criticisms of the Master Car Builders' standards yesterday. I want to make a few more, and then proceed. There is not only a difference between the railroad employees of the country and the Master Car Builders with regard to these appliances, but there is also a difference between the employees themselves. As to the ladders, some men think they should be on the sides of cars, while others think they should be on the ends. As to running boards, a running board 18 inches in width will meet the Master Car Builders' standards. Some trainmen think this is too narrow. The Master Car Builders' standards do not require that the running boards shall extend over the ends of the cars any particular number of inches. Some trainmen think they should extend as much as 6 inches. There is a difference of opinion as to where the roof hand holds upon cars should be located. The Master Car Builders' standards provide for two sill steps upon a car, while some think there should be more. The Master Car Builders' standards provide for grab irons under the end sill on a certain class of cars, and we think this is dangerous. This represents the end sill [indicating to the committee], a grab iron bolted underneath that end sill; in order to give the lag screws a proper hold it has got to be set in somewhat from the edge, and, consequently, when a man needs it he must put his hand under the end sill to get hold of it, and we think that is wrong.

I am not condemning the master car builders as an organization, their honesty, or their desire to bring about uniformity, but I am simply trying to show the defects in their standards. And it seems to me that the criticisms already made should serve to show that these standards should not be adopted as the law.

We base our reasons for thinking they will be made the law if you pass this bill without giving an opportunity to be heard, or even with an opportunity to be heard, upon the following: In an address delivered before the Master Car Builders' Association in 1903, Mr. Mosely, the secretary of the Interstate Commerce Commission, who is the officer in charge of the enforcement of this legislation, said:

As I have studied this question, year after year, there is one earnest wish that I would utter, and that is that the recommended practice of the Master Car Builders' Association shall be the actual practice of the railroads of the country; and that the Congress of the United States would perfect the law by adding to it a provision which shall require that the standards established by the Master Car Builders' Association shall be the standards upon all railroads engaged in interstate commerce. (Proceedings Master Car Builders' Association, 1903, vol. 37, pp. 59-60.)

In a speech delivered before that body two years later he expressed himself in the following language:

I desire to reiterate what I have stated before at these conventions, that I hope to see the time when the standards and recommended practices of your association shall be the law of the land. (Proceedings Master Car Builders' Association, 1905, vol. 39, p. 53.)

I have another quotation here from page 43 of the advance copy of the commission's last annual report. I will not take the time to read it, but I would like the permission of the committee to have it included in my statement.

(The quotation referred to is printed in full as follows:)

A suggestion is also made as to the desirability of legislation requiring uniformity of location and application of ladders, sill steps, hand holds, and kindred appliances. The Master Car Builders' Association in its standards and recommended practices recognizes the expediency of this standardizing principle, and legislation along the lines of their endeavors would accomplish excellent results.

Mr. FULLER. There can be no better evidence it seems to me, that if this bill is passed the Master Car Builders' standards will be made the law than the very fact that on January 6 of the present year, President Roosevelt issued an executive order making them the standards in the Panama Canal Zone. I would like to include this order with the permission of the committee. I will read just a few lines from it:

Under authority vested in me by law, it is ordered:

2. The various appliances for the protection of trainmen on freight-train cars, with reference to running boards, ladders, sill steps, roof hand holds, and the position of brake shafts, as designated in the existing standards of the Master Car Builders' Association in the United States, shall be used by all carriers in the aforementioned Canal Zone.

(The order referred to is here printed in the record in full as follows:)

EXECUTIVE ORDER.

Under authority vested in me by law, it is ordered:

1. The requirements of the act of Congress, relating to the use on trains of certain described and approved driving-wheel and train brakes, couplers, hand holds, and drawbars of required height for freight cars, approved March 2, 1893 (contained in 27 Stat. L., p. 531), and known as "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes and their locomotives with driving-wheel brakes, and for other purposes," as amended by an act approved April 1, 1896 (contained in 29 Stat. L., p. 85), and as amended by an act approved March 2, 1903 (contained in 32 Stat. L., p. 943), shall be extended to apply to that zone in the Republic of Panama mentioned and described in section 2 of the act of Congress dated June 28, 1902, and entitled "An act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific Oceans," and commonly known as the "Canal Zone."

2. The various appliances for the protection of trainmen on freight-train cars, with reference to running boards, ladders, sill steps, roof hand holds, and the position of brake shafts, as designated in the existing standards of the Master Car Builders' Association in the United States, shall be used by all carriers in the aforementioned Canal Zone.

3. The equipment and appliances required to be used in sections 1 and 2 of this order shall be constantly and at all times maintained in good and working order, by any and all railroads engaged in the business of a common carrier and operating in the aforementioned Canal Zone.

4. In particular, sections 1, 2, and 3 of this order shall be carefully observed and obeyed by the Panama Railroad, a carrier operating in the said Canal Zone.

5. All railroads operated and cars used by the Government of the United States within navy-yards, arsenals, military reservations, government wharves, and any and all other territories under the jurisdiction of the United States, shall be equipped with the safety appliances required in the safety-appliance acts mentioned and described in section 1 of this order and in the codes of rules mentioned and described in section 2 of this order; and said equipment and appliances shall at all times be maintained in good and working order.

6. This order shall take effect not later than six months from the date of the promulgation thereof.

THEODORE ROOSEVELT.

The WHITE HOUSE, *January 6, 1909.*

[No. 1002.]

Mr. FULLER. It is my understanding that the issuance of this order was brought about through the Interstate Commerce Commission. I have been to the Isthmian Canal Commission; to the State Department, from which the order came; and to the War Department, and they all told me they know of no hearing whatever having been held in the matter; nor could I learn from the Interstate Commerce Commission that there had been any hearing. I know that as the representative of these men—and I represent 101,000 employees, trainmen, switchmen, and conductors, who are directly interested in this subject—I had no notice of any hearing whatever in regard to this question.

Mr. ESCH. That is only as far as it applies to the order on the Isthmus?

Mr. FULLER. That is what I was discussing now, Mr. Esch; yes, sir. We are also opposed, as a matter of principle—and the older members of this committee will recall that we have at various times given reasons why we are opposed—to giving to the Interstate Commerce Commission the authority to issue orders or decrees having the effect of law. The appliances provided for in this legislation are not so many, and their location is not so difficult if all parties concerned can be brought together and try to harmonize, but what Congress can legislate with regard to them.

We, as a matter of principle, object to legislation being made by others than the representatives of the people who are elected for that purpose. However, we are not adverse to, but favor, the commission being instructed to make this investigation and hold hearings, but we want them to report to Congress, and Congress to then write the requirements into law. By doing that we have the benefit of intelligent legislators passing on the subject; and I do not want to be understood as making any reflection upon the intelligence of the commission or their integrity, but their duties are many, and they are not legislators. By having Congress enact these requirements into law we have the benefit of the legislation being considered by a trained committee which has jurisdiction over the subject. It then goes into one House, is discussed, and passed; it is then sent to the other House, where it receives similar consideration. We have the benefit of lawyers trained in the construction and making of statutes to perfect it, we have the benefit of the discussion in both Houses, and we also have the benefit of the opinion of the Attorney-General. We have had one experience in delegating to a commission or a body of men the fixing of a standard with regard to these appliances. The

safety-appliance law provided that the American Railway Association should fix the standard height of drawbars and provide a variation between loaded and empty cars, and if they did not do it within a certain length of time the commission was required to do so. However, the association did it. They reported to the commission and the commission promulgated the order fixing the standard.

Mr. ESCH. But the Railway Association made no standards as to drawbars or the air-brakes.

Mr. FULLER. I said as to the height of the drawbars.

Mr. ESCH. That is all.

Mr. FULLER. That is all I was talking about.

Mr. ESCH. I gathered the idea that you did not care for the commission to have the power to fix these standards and types. Under the original act the commission had that power, but did appeal to the American Railway Association.

Mr. FULLER. They did not appeal; the American Railway Association was authorized to do that by act of Congress, and the commission promulgated the order after they fixed the standard, and the standard thus promulgated by the commission was put into the law, either added to that section, or as a footnote.

Mr. ESCH. It is a footnote.

Mr. FULLER. All practical men agree as to the purpose of the standard thus fixed. But if there any two of you gentlemen on this committee who, as a matter of law, will agree as to its meaning, I miss my guess. The language is so indefinite that the courts have construed it contrary to its intent.

Not only that, but Congress passed a law at the last session providing that if men were killed or injured as a result of the violation, on the part of the carrier, of laws passed for the safety of the men certain doctrines could not be availed of as defenses by the carrier. If a man were to get injured as a result of the lack or inefficiency or wrong dimensions of these appliances, and this bill were a law, in order to find what his rights were under it he would have to hunt up the decrees or the orders of the Interstate Commerce Commission, an impracticable thing; where, if they were written in the statute, every man could readily learn what his rights were.

The CHAIRMAN. Your time has expired.

Mr. FULLER. May I have five minutes more?

Mr. ESCH. I ask that Mr. Fuller be given five minutes longer.

Mr. TOWNSEND. I have not heard the rest of this discussion of your principles in the matter, and I would like to ask you if there is anything wrong now, as a matter of fact, in reference to the ladders, the hand holds, and the running boards, now in operation?

Mr. FULLER. I went over that before you came in. I was going to say that the laws of Congress will be distributed. And there will be 100 men, if Congress makes the standards, in possession of the statutory provisions by which they are protected to 1 man who will have the decrees of the Interstate Commerce Commission or even know they are in existence. It is an absolute fact to-day that I receive requests from our members throughout the country wanting to know the standard height of draw bars, wanting to know absolutely how many air brakes are to be operated in a train. Yet these matters have been settled by the commission. But the documents containing these orders of the commission are distributed in a limited degree, and

not as the laws of Congress are. The laws of Congress are not only printed in documents, each one by itself, and distributed, but they are put in the statute books to which people naturally look for such information. The orders of the Interstate Commerce Commission as a rule are only given to men particularly interested or engaged in executing the laws.

This in substance is our position. Without desiring to go into past experiences that we have had with the commission, I want to say this, and I say it frankly to our friends who represent the railroads, that we, as railroad employees, stand a better chance before the committees of Congress than before the commission. We get a chance to come before you gentlemen here and, in our way, present our views. If we go before the Interstate Commerce Commission, which is a quasi court, the railroads can muster numerous witnesses. They can get employees to come in and testify as to this and that against us, and the commission has got to be controlled by the testimony given before it, and maybe it does not properly represent the facts. And there is no better illustration of the truth of this statement than the fact that the Interstate Commerce Commission, after hearing, and I might say in some cases without hearing, granted the narrow-gauge railroads an extension of time to do away with driving wheel brakes, to give them an opportunity to come to Congress to have the law amended so as to relieve them, and they came here, and we came here, and, in our way—and we try to be fair about it, at least—we were able to show Congress that the law should not be amended in that way, and Congress would not so amend it, but the records show that the Interstate Commerce Commission, upon the showing put up before it, did the very thing that Congress would not do. Now, gentlemen, these are the practical things that confront us.

Mr. KENNEDY. Does not your coming here—you objecting, and others who come equally well accredited favoring a bill of this kind, all admitting that uniformity is desired by all, you opposing and hoping to bring this disputed question of which is the best method before the committees of Congress—indeinitely postpone action and put it off to a time in the future? How soon do you suppose the House and the Senate will agree upon this disputed question that you and the master car builders have been twenty years disputing about and have never yet agreed upon?

Mr. FULLER. I was going to come to that in a minute.

Mr. KENNEDY. Is it not in the interest of getting something done to submit it to some commission, just such as we have created for that purpose?

Mr. FULLER. Here is our proposition, and then I am through—

The CHAIRMAN. Your time has expired again.

Mr. FULLER. I just want to propose this as a substitute for this bill:

Resolved by the House of Representatives (the Senate concurring), That the Interstate Commerce Commission is hereby authorized and directed to conduct such hearings and investigations as may be necessary to enable it to learn the opinions of common carriers by railroad and their employees regarding the proper dimensions, location, and application of sill steps, hand brakes, ladders, roof hand holds, grab irons, and running boards on railroad cars and vehicles, and said commission shall at as early a date as possible thereafter report to Congress its opinion as to the proper dimensions, location, and application of such appliances.

The CHAIRMAN. Your time has expired.

Mr. FULLER. I say this, Mr. Kennedy: That we favor this legislation, but we object to the proposed method of bringing it about.

The CHAIRMAN. Who is the next gentleman?

STATEMENT OF MR. W. P. BORLAND, SECRETARY OF THE BLOCK-SIGNAL BOARD OF THE INTERSTATE COMMERCE COMMISSION.

The CHAIRMAN. Are you in favor of this bill or opposed to it?

Mr. BORLAND. In favor of it, most heartily.

The CHAIRMAN. We can give you ten minutes.

Mr. BORLAND. I want to say, with regard to Mr. Fuller's argument, that his attempt to show that this is an indirect method of legalizing the master car builders' standards might be called a work of supererogation. There has never been any attempt to disguise that fact at all; everybody knows where the Interstate Commerce Commission and all practical men stand on that question. The only argument in favor of a law of this kind is that something of the kind is necessary to compel the Master Car Builders' Association to live up to their own standards. With some minor changes, which can easily be agreed upon between the men who are interested in the question, the Master Car Builders' Association and the commission, the standards that are now in vogue are all right.

Mr. BARTLETT. That is, the same standards we have already put into effect on the Canal Zone?

Mr. BORLAND. Yes, sir.

Mr. BARTLETT. Was that done after a hearing of all parties, or just by the commission?

Mr. BORLAND. I know nothing about that. That is a different question. I do not know anything about how that was brought about.

Mr. BARTLETT. It was by direction of the President.

Mr. BORLAND. Yes. There only seems to be one difference, and that is the method of bringing these standards into vogue. Mr. Fuller, as I understood, wants Congress to legislate in detail upon every one of these questions, whereas we believe it is merely an administrative question. If Congress says that these things shall be applied, then the manner of their application is merely a matter of administration. I do not think you gentlemen will agree that it is a proper thing to place into a law of this character that a grab iron, for instance, shall be made out of five-eighths inch iron, and shall be 16 inches in the clear, and shall be applied at certain distances, not more than 30 or less than 24 inches above the center line of the coupler, for instance, and such and such a distance from the side of the car. I do not think you want to put details of that kind into a law. I think the proper way to handle that is to say that these devices shall be applied, and then leave it to the administrative body to say how they shall be applied, and that is the only purpose we seek to accomplish by this law.

The difficulty is just here, Mr. Chairman: The Master Car Builders' Association, the body of technical men representing railroads, many of them having diverse interests with regard to these matters of equipment, meet in convention yearly and then agree upon certain standards. They have been doing that year after year. Then they

will go home—the individual members of that association will go home—and equip their cars to suit themselves. In other words, there is no absolute duty placed upon the railroads through the regulations of this association. They are permissive; they are not obligatory upon them; and while they pass the rules, the individual member can observe those rules or not, as suits his own particular ideas of the fitness of things.

I want to give you one illustration of the exceedingly dangerous condition which we have had to contend with for ten years or more on the one question of hand brakes. When freight cars began to be equipped with air brakes so generally it happened that in equipping those cars they placed the brakes so that they would work directly opposite to the hand brakes. For instance, in winding up the chain you set the brake from this end. When the air brake is set it pulls from the other end. All the freight cars were equipped in that way. It produced an exceedingly dangerous condition, for the reason that when a man took hold of this hand brake to set it, in twisting up on that brake, suddenly there would be an application of the air, it would pull in the opposite direction and twist the brake with a force which was much more than he could resist, would pull it out of his hands and project him into eternity off the top of the car. Hundreds and hundreds of men have been killed through that very thing. That condition has been called to the attention of the railroads through the reports of the Interstate Commerce Commission year after year. The Master Car Builders have recognized the danger, and they have gone down to their conventions and have fulminated against it year after year; they have made rules, saying year after year that the hand brakes shall work in the same direction as the air brakes. Notwithstanding that, there are thousands of cars in this country to-day the brakes on which are working opposite each other. Those are the conditions we have to meet, and those are the conditions that require legislation, and that is the only argument for it.

I have not seen anybody who has appeared before this committee yet to advance any argument against the principle of this bill, against legislation of this character, and it seems to me that Mr. Fuller's argument against the mere question of method is not a sound one. I do not think that that should be permitted to stand in the way of legislation of this character at all. His proposition for an investigation to give Congress information as to how these things should be legislated upon might be all right if we did not have the information already.

Mr. RYAN. Do you think the Interstate Commerce Commission should give a hearing to everybody with regard to the issuing of those regulations?

Mr. BORLAND. It depends altogether upon what the regulation is.

Mr. RYAN. The regulation provided for in this law.

Mr. BORLAND. Most assuredly.

Mr. RYAN. You just said they had information already.

Mr. BORLAND. Most assuredly I think that before the Interstate Commerce Commission should promulgate any standard they should hear all parties; most assuredly. I am thoroughly in favor of that.

Mr. ADAMSON. There is nothing to prevent that now, is there? There is no use of incorporating that into the law.

Mr. BORLAND. Nothing whatever. My understanding is that it is the intention to handle it that way.

Mr. ESCH. Your inspectors under the safety-appliance law now report general defects in running boards, grab irons, and brakes, do they not?

Mr. BORLAND. They do.

Mr. ESCH. But you have no power to punish a violation?

Mr. BORLAND. No power at all.

Mr. ESCH. And this bill is simply to supplement the safety-appliance act and give you that power?

Mr. BORLAND. That is it.

Mr. ESCH. Have you any amendments to suggest to the bill as drafted?

Mr. BORLAND. The Interstate Commerce Commission made some suggestions to the committee covering section 3 of that bill. I want to say that I would suggest this: The bill now reads, "That within ninety days from the passage of this act the Interstate Commerce Commission shall designate," and so forth. I would have that read, "Within six months after the passage of this act." I would further suggest a provision following the close of that section:

Provided, That the Interstate Commerce Commission may, upon full hearing and for good cause, modify the requirements of this section or extend the period within which any common carrier shall comply with the provisions of this section with respect to the equipment of cars actually in service upon the date of the passage of this act.

That covers the two points that are suggested in the commission's letter to the committee.

Mr. HUBBARD. Is this bill intended to regulate the trouble with the hand brakes of which you spoke?

Mr. BORLAND. Yes, sir.

Mr. HUBBARD. Do you think the word "efficient" is sufficient to accomplish that purpose?

Mr. BORLAND. I do, with this question of administration here, giving the Interstate Commerce Commission power to promulgate the form and manner of application of all those appliances.

Mr. HUBBARD. You think it would not be better to require that hand brake to be safe, as well as efficient?

The CHAIRMAN. The time has expired.

Mr. ESCH. I ask that this witness be given five minutes more, in view of the fact that Mr. Fuller had five minutes given him.

The CHAIRMAN. Without objection the gentleman will continue five minutes.

Mr. ESCH. I wish you would file that amendment with the stenographer, and if you have any other data we would like to have that.

Mr. BORLAND. For the information of the committee I might give a brief statement here of the number of men who have been killed in the last year by reason of these defective appliances. I had this statement prepared by our accident division. This gives those killed or injured by overhead obstructions, side obstructions, defective steps, defective ladders and hand holds, defective hand brakes, and defective running boards. From all causes there were 178 men killed and 3,064 injured during the past year.

Mr. ESCH. What year?

Mr. BORLAND. The year ending June 30, 1908.

Mr. WANGER. Do you have them in detail?

Mr. BORLAND. I have; yes, sir. There were 10 killed and 295 injured by defective hand brakes, and understand, this does not cover

the point I was speaking to you about these brakes working in opposite directions. A defective hand brake in this statement covers only those that are reported by the railroads as defective. When a man is killed by reason of one of these defective appliances, and the railroad company so reports it, you may be pretty sure the appliance was defective.

Mr. KENNEDY. This break you speak of would not be held to be defective at all, just made on their own principle?

Mr. BORLAND. No; not under a statement of this kind.

Mr. HUBBARD. Do you understand that the bill as drawn would prevent the putting on of these brakes which operate in one direction under hand power and in another under air power?

Mr. BORLAND. It was my opinion that it was sufficiently broad to cover that.

Mr. ESCH. That proviso to section 3 would be sufficient to mark the distinction between old cars and the new cars?

Mr. BORLAND. Yes, Mr. Esch; that was the idea of it—simply those cars that were in service at the time the law went into effect. It was to give those a little longer time, if necessary, so as to allow those cars to run until they happened to be taken into the shop for general repairs, when they could be equipped the same as new ones—probably give them six months longer for that.

(Mr. Borland submitted the following table:)

Table of accidents for year ending June 30, 1908.

[Division of accidents.—Interstate Commerce Commission.]

Causes.	Train-men.		Train-men in yards.		Yard train-men.		Switch tenders, crossing tenders, watchmen, etc.		Other employ-ees.		Total.	
	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.
Overhead obstructions.....	24	227	4	74	6	124	.....	1	4	5	38	431
Side obstructions	66	757	22	391	19	510	1	14	15	79	123	1,751
Defective steps.....	1	20	1	16	.....	26	.....	1	.....	2	3	64
Defective ladders and hand holds.....	1	152	1	100	.....	171	.....	3	.....	16	2	442
Defective hand brakes.....	4	78	1	50	3	161	.....	2	.....	6	10	295
Defective running boards.....	.....	37	.....	19	1	24	1	.....	.....	1	2	81
Total.....	96	1,271	29	650	29	1,016	2	18	22	109	178	3,064

STATEMENT OF ALDIS B. BROWNE, ESQ., OF WASHINGTON, D. C., REPRESENTING THE SANTA FE SYSTEM.

Mr. BROWNE. I want to suggest an amendment to section 4, in line 3, to cure a necessity under the present law. The present safety-appliance act makes an absolute prohibition against hauling or using cars which are not equipped as the statutes provide. It happens, though, that out on the roads cars become disabled, and they are required to be hauled to a repair shop. The Interstate Commerce Commission say to us that there is nothing in the statute which per-

mits them to say that we may haul such cars, so the suggestion which I wish to submit is this, that this act, section 4, which reads—

That any common carrier subject to this act using, hauling, or permitting to be hauled or used, any car subject to the requirements of this act not equipped as provided in this act, shall be liable to a penalty of one hundred dollars for each and every such violation, to be recovered as provided in section six of the act of March second, eighteen hundred and ninety-three, as amended April first, eighteen hundred and ninety-six.

could very properly be amended after the word "act" by adding this language, "excepting disabled cars being hauled to a repair shop." The question has come up a number of times, in the roads I represent, how they could haul those cars without violating the law.

Mr. RICHARDSON. Do you mean to say that the Interstate Commerce Commission gives that statute that interpretation?

Mr. BROWNE. No; but we are undecided how we can haul those cars without violating this plain provision of the law. The language I suggest, after the word "act," in line 3, is "excepting disabled cars being hauled to a repair shop."

Mr. HUBBARD. It had better come in line 4, had it not?

Mr. BROWNE. That is a matter of judgment; it is not material. I had it inserted in line 4 first, but I thought it was better in line 3. However, that is immaterial. It simply enables the system I represent to do this thing. Disabled cars are all chained together and are taken in a careful way to a repair shop, and yet every time a wheel turns on a disabled car under the present language of the safety-appliance act there is a technical violation of the statute.

Mr. RICHARDSON. It looks to me like it would be embarrassing to go into those specifications, the doubtful question as to what a disabled car is, when you could leave it to the common sense of a court the ordinary reasonable construction of a law. I am not much in favor of putting too many specifications in a law.

Mr. ADAMSON. Would a car "not equipped under this law" apply to a disabled car that ought to be carried to the shop?

Mr. BROWNE. No; except disabled cars; that is, injured cars, cars which can not be used under the statute.

Mr. ESCH. You have repair shops on every division, have you not?

Mr. BROWNE. Oh, yes.

Mr. ESCH. And those division points are about an average of a hundred miles apart?

Mr. BROWNE. We represent four or five systems. I think that is true on the Northern Pacific; possibly they are not close together with the Santa Fe, far off on the transcontinental end.

Mr. RYAN. Would there be any objection to saying "to the nearest repair shop?"

Mr. BROWNE. Yes; for the reason that if you say that, then we may be so full of work at the nearest repair shop that the car is out of use for a longer period than if it is carried to the next division point.

Mr. RYAN. Is it customary to carry cars clear off like that?

Mr. BROWNE. No; it is not customary. It only depends on conditions.

Mr. KENNEDY. "The most convenient repair shop?"

Mr. BROWNE. That would be a limitation. I do not object to that language, but we simply do not want to violate the statute on its face.

Mr. ADAMSON. If you are required to change the equipment of old cars you are now using, you certainly ought to be allowed to carry them to the car shops.

Mr. BROWNE. That would fall under the decisions. We do not want to be called into court, and ought not to be on such a case as that. Of course, the common sense of it teaches us that we could take those to the nearest shop.

Mr. HUBBARD. You are sure you would be acquitted, but you do not want to be tried?

Mr. BROWNE. That is it.

Mr. RYAN. This would refer to cars that are disabled through conditions imposed by this law?

Mr. ADAMSON. If the car is not fit to use under the law, it is disabled.

Mr. KENNEDY. Some notice ought to be put on such a car.

Mr. BROWNE. There are notices put on them.

Mr. KENNEDY. A notice to the employee?

Mr. BROWNE. A defective car is marked.

Mr. KENNEDY. Ought not the car to be plainly marked before it starts?

Mr. BROWNE. That can be provided, because we do it anyway.

Mr. ESCH. On your system are the ladders on the ends or the sides of the cars?

Mr. BROWNE. I can not tell you. I see so many on the sides and so many on the ends everywhere, that I do not know.

Mr. ESCH. Is it a fact within your knowledge that in the eastern yards, where yardage is small and the yards are expensive to purchase, that the tracks in the yards are close together, and hence, as a matter of economy, it is better to put the ladders on the ends than on the sides?

Mr. BROWNE. I have heard that stated, Mr. Esch; I do not know. Of course, out farther West, there is a larger amount of room, but then we have been spending a great deal of money in the East, the railroads have.

Mr. ESCH. Of course, terminal facilities are getting to be the biggest expense of a railway system, but I did not know whether there was any force in that argument or not.

Mr. BROWNE. The technical part of it I do not know about. I was only asked to appear and request the committee to amend the act as I have suggested.

Mr. RUSSELL. What railroad do you represent?

Mr. BROWNE. The Atchison, Topeka and Santa Fe, but indirectly I know that the Northern Pacific Company has had the experience, and we have had to give them simply our advice as to what to do, and there are a number of systems that are interested. I suppose all of the railroads would be interested.

Mr. RUSSELL. My inquiry was to find out whom you appeared for here.

Mr. BROWNE. For the Santa Fe.

STATEMENT OF HON. CHARLES J. FAULKNER, OF WASHINGTON, D. C.

The CHAIRMAN. Senator Faulkner, do you desire to be heard?

Mr. FAULKNER. Mr. Chairman, I really have very few words to say to the committee in reference to this matter.

The CHAIRMAN. The committee has ten minutes yet.

Mr. FAULKNER. I will try to make mine in two. I have simply to say, Mr. Chairman and gentlemen, that it strikes me that, under the circumstances developed at this investigation, it would be extremely unwise for the committee to take action with reference to this bill at the present session of Congress. It must be admitted by all that the commission will necessarily adopt the Master Car Builders' regulations and rules as to all these matters. They have always done it in the past, and I think they will do it in the future. It is a body of wise, experienced, practical, and expert men. It seems now that there is great diversity of opinion as to whether the rules adopted at the last session covering the particular subjects of investigation here under this bill were wisely adopted. I know of a number of roads that are antagonistic to the rules as adopted, thinking them unwise, some as to the ladders, some as to the hand holds on top of the cars especially. I have listened to the views expressed by Representative Ryan, who seems to be familiar with this subject. I see he differs decidedly with the views expressed by this association.

Now, under all these circumstances, this bill having been brought up before the Congress, having been discussed, the matter being brought directly to the attention to this Master Car Builders' Association, I think it would be wise upon the part of the members of this committee, from the standpoint of practical legislation, I mean, to let that association have another trial to determine whether or not they have made any errors in reference to their recommendations, and then, after the next meeting of the association, if these gentlemen feel that it is not satisfactory and the roads are not doing as they should do in accordance with the recommendations of the association, bring this matter before the Congress for positive legislation and the imposition of penalties.

There is another reason I suggest to the committee why it is wise not to impose this matter upon the roads at this time. This will impose a large burden, beyond question, in the changes of these equipments of cars. Should that burden be imposed under the conditions that are now confronting the common carriers of this country, and the probability of what will confront them still more disastrously within the next half year or year, because I feel confident that you gentlemen who watch the current of public events and feel the pulse of commercial matters will appreciate the fact that we are not out of danger yet; that although this panic has been partially controlled and things started out a little more lively than they were in the summer of 1907 and 1908, yet they have let up again and business has fallen off very greatly in the last month and the last sixty days.

Mr. BARTLETT. Have there been less railroad receipts than there were three months ago?

Mr. FAULKNER. No; I think there have been less in the last month than there were two months ago in the roads that I have especially

looked up. The country has not been restored yet at all to the condition that it was in prior to the panic, and it will not be for some time, I am satisfied. Now, if you will allow this to go on and require this matter to be put in force during the present year, under the recommendations of this association, which will be the result of it, what would happen? Maybe in six months you will require a different change, and under this very act the commission, although they have ordered this done in accordance with the recommendations of the association, within any time afterwards have the power to require an entire change from what they did require.

Mr. TOWNSEND. I want to ask you a question, Senator. In these number of cases resulting in death and injury from the defective appliances to which Mr. Borland has called attention, are suits brought against the railroad—damage suits—by these people who are injured, or their representatives?

Mr. FAULKNER. Of course, sir.

Mr. TOWNSEND. Very largely, are they not?

Mr. FAULKNER. They never fail to do it.

Mr. TOWNSEND. Have you ever investigated the question as to whether there would not be actual economy for the railroad company if they were equipped, rather than leave them as they are, if by equipment they shall save life?

Mr. FAULKNER. There is no doubt about that, and the railroads are as anxious to get the most perfect equipment as this committee can be to enforce it upon them, for that reason, that it is to their interest pecuniarily to do it. The only question is, Can we do it, and having once done it, will it remain there?

Mr. RYAN. Would not the practice of the railroads in the East of building their tracks in their terminals so close together and putting the outer rails so close to the edge of a tunnel practically prohibit the Interstate Commerce Commission from promulgating the order placing the ladders on the side of the car?

Mr. FAULKNER. I am not sufficiently practical in the operation of railroads to answer Mr. Ryan's question. I have no doubt that he could give a more satisfactory answer to the committee on that subject than I could, because I am not a practical operator of railroads.

The CHAIRMAN. Your time has expired.

Mr. HUBBARD. Mr. Chairman, may I ask Senator Faulkner this, the bill seems to provide that changes made by the commission shall be made after a full hearing?

Mr. FAULKNER. Yes, sir.

Mr. HUBBARD. I do not find a provision in the original regulation for a hearing.

Mr. FAULKNER. There is no provision for a hearing in the original regulation at all.

Mr. HUBBARD. Is that desirable or not?

Mr. FAULKNER. I think it would be, because it involves the expenditure of millions of dollars, and I should think, if you were going to pass a law giving that power, that provision ought to be in there. I would like to say that Mr. Mayer, general manager of the Northwestern, told me yesterday that, in his judgment, it would be impossible to make a uniform equipment in accordance with this statute within the United States on the old cars within two or two years and a half at least, and that any such provision as this in the

law making it effective on the 1st of January, 1910, would be utterly impossible of being carried out.

Mr. ESCH. Would it meet your notion as to that point to put after the word "shall," line 7, page 2, section 3, the words "after a full hearing," so that it will read, "That within ninety days from the passage of this act the Interstate Commerce Commission shall, after a full hearing, designate the number, dimensions," and so forth?

Mr. FAULKNER. It would meet my approbation so far as the amendment giving a full hearing was concerned.

Mr. ADAMSON. Is there any disinclination manifest on the part of the commission to hear anybody who asks for a hearing?

Mr. FAULKNER. I think the commission, as a general rule, are pretty fair upon that question. In fact, I think the commission has been fair in most of their actions under the laws committing this subject to them.

Mr. ADAMSON. What is the use of putting a requirement in every law if the commission is ready to hear people?

Mr. FAULKNER. Simply because this is an exceedingly important matter, involving the expenditure of millions of dollars, and they have not the money exactly to give out.

Mr. ADAMSON. I say, if the commission is willing to hear people who come asking for a hearing, why should we put a command on them to do it in every bill?

Mr. FAULKNER. I do not know that they would be. It has been suggested here by some of the parties before you that they had not done it heretofore.

Mr. RYAN. They have not much leisure time, have they?

Mr. FAULKNER. Unfortunately, there is the condition, Mr. Ryan and gentlemen; there is the trouble we are having in this matter. The commission is so burdened with the obligation and duties imposed upon them by Congress that the truth of it is that we are not having the commission's decisions on thousands of questions that go before them. They are simply the decisions of agents sent out to act for the commission, and on whose report the commission is compelled—not because it wants to—to render their decisions, so we really do not get the decision of the commission on a great many important and vital questions.

Mr. ADAMSON. Repeating the demand in a law does not extend their time, does it?

Mr. FAULKNER. No.

Mr. ADAMSON. The trouble is lack of time.

Mr. HUBBARD. This bill gives the commission the power to control the manner of application of these appliances. In your judgment, would that cover the manner of operation of those appliances once fixed on the car?

Mr. FAULKNER. I should think the application would apply to the operation, and the word "operation" could only apply to one subject in that bill, which is the brake.

Mr. HUBBARD. That is a very important one, is it not?

Mr. FAULKNER. A very important one, I suppose. I do not know how far they have corrected that throughout the country.

Mr. TOWNSEND. You are quite familiar with the workings of the Interstate Commerce Commission; what do you think of these suggestions of increasing the number?

Mr. FAULKNER. That is so legislative in its character that I think that a lawyer would be unwise to pass an opinion on it.

Mr. PAULDING. I concur fully, Mr. Chairman, in what Senator Faulkner has said to you with respect to this bill, but Mr. Esch and Mr. Ryan asked questions of him which I think he was not able to answer as a matter of practice, and they were as to the space between the tracks in the yards of eastern roads. I know of three eastern roads where the yard terminals are standardized; that is, the space between the tracks is a standard space, and the only narrow place is where the switches run into the tracks.

Mr. HUBBARD. What is the distance?

Mr. PAULDING. About twelve feet six.

Mr. HUBBARD. And that between the cars is what?

Mr. RYAN. Between the outside of box cars, how much would that be?

Mr. PAULDING. I do not know.

Mr. RYAN. That is the important point.

Mr. ESCH. It would permit of the use of the side ladders?

Mr. PAULDING. The only argument I have heard against the use of side ladders is this, that if a man is on a side ladder and a car is suddenly stopped, he is much more likely to be thrown off a side ladder than if he is at that time on an end ladder, where he has something to brace himself against, and as Mr. Hawley said to you gentlemen, if a man is on a side ladder on a house track—that is, where it runs very close to a side wall—he is very likely to be thrown.

Mr. RYAN. I have known many men to be killed in that way.

(Thereupon, at 12 m., the committee adjourned.)

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
HOUSE OF REPRESENTATIVES,
Saturday, February 13, 1909.

The committee met at 11 o'clock a. m., Hon. W. P. Hepburn (chairman) presiding.

STATEMENT OF MR. H. R. FULLER.

Mr. FULLER. I have been instructed by Messrs. W. S. Stone, grand chief engineer Brotherhood of Locomotive Engineers; W. S. Carter, president Brotherhood of Locomotive Firemen and Enginemen; and W. G. Lee, grand master Brotherhood of Railroad Trainmen, to thank the committee for its courtesy in giving them an opportunity to be heard on this Watson bill this morning, and to say to you that they would have been pleased to appear before you, but they were compelled to leave Washington yesterday. Therefore they have told me to advise you that while they favor the ultimate standardizing of these appliances, there is a difference of opinion among employees directly interested as to their dimensions and location, and they think there should be no legislation at this time which either fixes or authorizes the fixing of these standards; that they think this bill is premature, and hope the committee will not report it favorably.

It was said by a member of the committee here at the last hearing—I believe it was Mr. Kennedy—that those who advocated this legis-

lation came equally as well accredited as did we. We raise no question regarding their credibility as to the members of the organizations they represent, but I deem it only proper, for the information of the committee, to say that the only organization in this new railroad branch of the American Federation of Labor whose members are directly interested is the Switchmen's Union, which was represented by Mr. Hawley, and that organization represents but a small minority of the men affected. I am advised by Mr. Lee that according to the statements filed by the Switchmen's Union with the insurance department of the State of New York last year that organization had but a little over 8,000 members while the Brotherhood of Railroad Trainmen, which organization I represent, has over 100,000 members, most of whom are directly affected.

Mr. WANGER. Now, as to the switchmen——

Mr. FULLER. I was coming to them; if you will excuse me a moment.

Mr. MANN. Do I understand that you claim that these 100,000 railroad employees are not in favor of having standard safety appliances upon the cars?

Mr. FULLER. No; I did not say that.

Mr. MANN. No; I asked you whether that was your position.

Mr. FULLER. No; our position is this: I said, or I intended to say, that while we favored the standardizing of these appliances at the proper time, we thought there was such a difference of opinion even among our own members, notwithstanding the difference of opinion between ourselves and the railroads and the Master Car Builders, whose standards it is sought to put into effect by this bill, that this legislation is at the present time undesirable.

Mr. MANN. That is what you think?

Mr. FULLER. I said that is what they think.

Mr. MANN. I asked you whether the 100,000 railroad employees are opposed now to the passing of any kind of a bill which would require standard safety appliances on all the different cars?

Mr. FULLER. Yes; until they can decide what they want. I speak for them and for the chief executives of these three organizations.

Mr. MANN. They prefer to leave it so that they have one pattern of grab iron on one car and another pattern on another car?

Mr. FULLER. No, sir, Mr. Mann; that is not our position.

Mr. MANN. I want to know what it is, then.

Mr. FULLER. I said we favored the standardizing of these appliances when we can agree, or I meant to say that.

Mr. MANN. But you do not favor it now?

Mr. FULLER. But that we did not favor legislation now because of this difference of opinion.

Mr. MANN. That is, because of the difference of opinion you are not in favor of now standardizing the safety appliances?

Mr. FULLER. By legislation at this time.

Mr. MANN. Well, in any way, because of the difference of opinion?

Mr. FULLER. Yes, sir; and our reason is that we want first to come to a conclusion as to what that standard should be.

Mr. MANN. That is what I want to get at.

Mr. RICHARDSON. I understand that you want to wait and be sure that you get the legislation that will be most efficient and most satisfactory to the majority?

Mr. FULLER. Absolutely so. Will you let me make one more statement before my time expires? I would say in answer to Mr. Mann's question that there has been practically no demand from the members of any of the organizations I represent for this legislation. I was asked a question before, if any of our members were switchmen. Let me at least answer that question first. Now, if it be said that the switchmen of the country are the most directly affected, and Mr. Hawley is better accredited to speak for them, our answer to that is this: That the Brotherhood of Railroad Trainmen, one of the organizations I represent, which has over 100,000 members, has, among those 100,000, 28,000 switchmen engaged in switching cars, where Mr. Hawley's organization, according to the statistics I have, has only 8,000 or a little over. Our organization represents over two-thirds of the organized switchmen. There is the situation. I am ready now to answer any questions.

Mr. ADAMSON. I would like to ask you, if it would be proper and not offensive to anybody, whether the attitude of any of your people is in any degree affected by the fear that the Master Car Builders' Association will get control of the situation?

Mr. FULLER. Why, Mr. Adamson, one of the foremost ambitions of the secretary of the Interstate Commerce Commission for years—and he, as I understand, prepared this bill—has been to have the master car builders' standards made the law.

Mr. ADAMSON. And your people do not like that?

Mr. FULLER. And the first bill that Mr. Watson introduced last year, and which I understand was also drawn by Mr. Moseley, said in so many words that the master car builders' standards should be the law. There is no use in my repeating what has been said here. Practically all of the criticisms that have been made here have been against the master car builders' standards.

Mr. KENNEDY. If we wait until you agree, when do you fancy you will agree?

Mr. FULLER. I can not say, Mr. Kennedy.

Mr. KENNEDY. Do you not concede this to be a fact: That the general public have an interest in this? The people I represent, besides the railroad men, are interested in seeing that these men shall not go on forever getting themselves killed and getting their legs cut off because of the fact that when they are staggering along on the top of a car they know that there is a ladder in one of two places and they grab one place and miss, and that is their last chance.

Mr. FULLER. That is a very humane and patriotic position to take.

Mr. KENNEDY. Have we any right, when a matter of this kind comes up, to allow ourselves to delay this legislation forever because a few men can not agree?

Mr. FULLER. But there are not a few men who disagree. I say that in all fairness to the men. Their views ought to be considered.

Mr. KENNEDY. We have considered them, but they will not agree as to where these ladders should be. Now, do you not think it is more important that they should all be at the same place?

Mr. FULLER. I think they should have standards; I have stated that, Mr. Kennedy. But I have said that we do not favor legislation now that seeks to do that. We do not want to do it prematurely or abortively; we want to do it right.

Mr. KENNEDY. You know how long that has been delayed because of the fact that the leaders of the railroad men could not agree.

Mr. FULLER. I do not believe that any member of this committee will accuse me of not standing up for the people I represent and trying to get for them all that I think they ought to have. That has always been my position. The criticism of me has been that I have tried to get too much. Now, I say to you in all frankness that the agitation for this legislation has not come from the employees who are actually interested. This agitation comes primarily from the secretary of the Interstate Commerce Commission, who is a humane man and has done much for the benefit of the railroad men. It has been one of his foremost desires that the master car builders' standards shall be made the law of the land. What makes us so particularly opposed to this legislation at this time is the mere fact that, notwithstanding all of the objections you have heard here to the master car builders' standards, the President of the United States under the power vested in him as the Chief Executive, and having charge of the Canal Zone, put these master car builders' standards into effect in the Panama Canal Zone in toto.

Mr. MANN. Do you object to that?

Mr. FULLER. Just a moment. As I understand it, the men had no hearing whatever, and it is my understanding that this was done on the advice of and through the Interstate Commerce Commission. In view of that fact and of the fact that the secretary of the commission, who is the executive who handles all of this legislation, is so much in favor of the M. C. B. standards, we think they will be adopted by the commission if you pass this bill.

Mr. KENNEDY. Can you take this bill and point out any bad thing in it?

Mr. FULLER. I tried to do it the other day, but was handicapped on account of time.

Mr. ADAMSON. On the other hand, do you not think in all fairness that you people, who are so vitally and immediately interested in these appliances, who are objecting to this legislation, ought to submit what you can agree upon as a better plan for uniform standardization?

Mr. FULLER. You are absolutely right as to that, and I am glad you have suggested it, because it puts me in a position to make this statement to the committee, that we have been negotiating with Mr. Moseley, the secretary of the Interstate Commerce Commission, upon this very subject, and those negotiations were not, to my knowledge, broken off when this bill came in here without any consultation with us whatever. It has been the policy, Mr. Chairman, of the organizations I represent—and it is a wise one—to not move for legislation that our members do not want. There has never been a time when we came before you gentlemen here and asked for legislation that had not been demanded by the employees and for which there had not been a good healthy demand from the people we represent. We try to move with our men as you do with your constituents. We no more want you to put legislation into effect that is objectionable to us than you, as representatives of the people, want to put something into legislation that the people may not approve, just because some one man or few men approve it. There is no healthy demand for this legislation at this time.

The CHAIRMAN. I want to know why you say that? I want to know if any one of these organizations that you represent, in their legislative body, has said that they do not want this legislation? You speak about whom you represent; you have these legislative bodies that speak for themselves. Has any one of them declared against this legislation?

Mr. FULLER. My answer to that question is this: They do have legislative bodies and they declare on what they want. They have not said that they did not want this, but there is no better evidence that they do not want it at this time than the very fact that they have not declared for it, and there is not a thing on record to show where they in their conventions have asked for it. Heretofore I have had the question—and I say it with all due deference to the chairman—put at me in the other way, both before this committee and others, when I have asked legislation. They have said, "Have your people demanded this?" Now, I am opposing legislation that our people have not demanded, and I am asked to prove the negative. I want to tell the chairman of this committee that I appreciate his effort to get all the facts, because he helps me to bring them out or helps me to state them. I am put in a position now which is in effect this, that before I, as the representative of these men, can say that we do not want legislation, I have got to show that the organizations I represent have said in a convention that they do not want it. It is in some ways as impracticable for us to refer to our membership as to just what they want as it is for you gentlemen to refer to your constituencies in your districts before you act on legislation.

Mr. RYAN. Have your organizations ever had a meeting since this bill has been introduced?

Mr. FULLER. No, sir.

Mr. RYAN. No meeting whatever?

Mr. FULLER. No, sir.

Mr. RYAN. And they have not had any opportunity to pass upon it?

Mr. FULLER. No, sir.

Mr. MANN. You take the position, then, that you are bound to oppose all legislation relating to railroads unless your legislative bodies have passed resolutions favoring that legislation, and that is the reason you are opposing this?

Mr. FULLER. No more so, Mr. Mann, than you, as the representative of your constituents, would do so.

Mr. MANN. Then you are opposing this legislation not because they have not passed upon it, but because you are opposed to it in principle?

Mr. FULLER. I have said this, that we are the creatures, the representatives, of these organizations, and it can be put in any way that it may seem fit to be put by those asking questions, but I shall insist that we shall be understood. Our position is this, that there has been no demand from our people for this legislation, and there is, on the other hand, a difference of opinion as to it. The representatives who are clothed with the duty of carrying out the policies of these organizations have met here and they have decided as the representatives of these men that they do not want this legislation at this time. I, as their servant, have been asked to come here to-day to convey their views to you.

Mr. RUSSELL. Suppose this bill itself was up before one of your legislative assemblies for consideration and action; would you favor it or approve it if it were before your body?

Mr. FULLER. Personally?

Mr. RUSSELL. Yes.

Mr. FULLER. I say if this bill, or the question of legislation, either fixing specifically or directing or authorizing the fixing of standards was up, in view of the difference of opinion, I should oppose it. I should oppose it as strongly as I am opposing it here. That is my personal opinion. However, if our conventions said they wanted it, so long as I am their representative it would be my duty to come here and try to carry out their wishes; and when I do not do that, it is for me to step aside.

The CHAIRMAN. Your time has expired.

Mr. FULLER. I am very much obliged to the committee for the time it has granted me.

Mr. PERHAM. Might I ask if any reply would be allowed to that statement Mr. Fuller has just made? I am here representing Mr. Hawley. I stayed over at his request for the purpose of attending this hearing.

Mr. TOWNSEND. I think Mr. Perham ought to be heard.

The CHAIRMAN. If you will appear at half past 1 the committee will give you a hearing.

Mr. PERHAM. Very well.

(At 12 o'clock m. the committee took a recess until 1.30 o'clock p. m.)

AFTERNOON SESSION.

The committee reconvened at 1.30 o'clock p. m., Hon. William P. Hepburn (chairman) presiding.

STATEMENT OF MR. H. B. PERHAM, PRESIDENT OF THE ORDER OF RAILROAD TELEGRAPHERS.

Mr. PERHAM. Mr. Chairman, I have taken the precaution of preparing my statement to the committee, so as not to exceed my time limit. That is, it is crystallized into a document. It would suit me just as well to submit this as to address the committee, and it will save the time of the committee.

The CHAIRMAN. Very well. Hand it to the stenographer.

Mr. FULLER. I would like to ask if I may be permitted to examine that?

Mr. PERHAM. Very cheerfully, so far as I am concerned.

(The statement referred to, which was examined by Mr. Fuller, is as follows:)

Mr. Chairman and gentlemen of the committee, I have with me a credential from the railroad employees' department of the American Federation of Labor, reading as follows:

To whom it may concern:

This is to certify that H. B. Perham, president of the Order of Railroad Telegraphers, has been duly appointed by the railroad employees' department of the American Federation of Labor as special legislative representative, with

full power to represent the railroad employees' department of the American Federation of Labor on any and all occasions until December 31, 1909.

Any courtesy extended to him will be duly appreciated by this department.

D. W. RODEBICK, *Secretary-Treasurer*.

H. B. PERHAM, *Chairman*.

For your further information, I will state that ten railroad employees' organizations compose the department, having a total membership of between 300,000 and 400,000. Among that number is the Switchmen's Union of North America, and at the request of President Hawley I appear in behalf of that organization as his representative.

Referring to the statements made by my friend Mr. Fuller this morning, I will say that such matters as we now have before us are usually left to the judgment of elected officers of the organizations who appoint men to look after them, and are not usually the subjects of discussion in lodge rooms and other meeting places. Neither is it usual for them to be discussed at the national conventions, although in some instances it has been done. There are so many details involved and so many technicalities that it is difficult for a large body of men to follow such an intricate subject to its finality. The ultimate determination of such matters should, and undoubtedly will be, with the humane consideration involved, carefully considered, while business considerations will be wisely conserved.

We want the amendment enacted now, because if there are flaws developed in it the sooner we can have them rectified, and so much the sooner shall we have a perfect law.

We need it in the interest of switchmen and their families, who are going to suffer if it is not enacted.

We suggest that the wording of the proposed amendment to the amendment relating to cars for the repair shops is dangerous for the reason that all cars loaded or empty, in transit, are on their way to a repair shop.

We favor some such amendment as proposed, giving the railroads time to do the work and make the necessary changes in equipment.

With reference to the discussion respecting the right position for ladders on cars, we favor side ladders as against end ladders.

Uniformity on this question is impractical at present for this reason: Track clearances, or spaces between tracks, differ according to locality. The interchange of cars now in vogue makes it imperative that track clearance shall be regulated first, which may be followed by side-ladder regulations.

The space between engine cabs and mail cranes on some railroads is 1½ inches. What chance does a man climbing a side ladder have there?

There are many things to be taken into consideration, but track-clearance space must take first place.

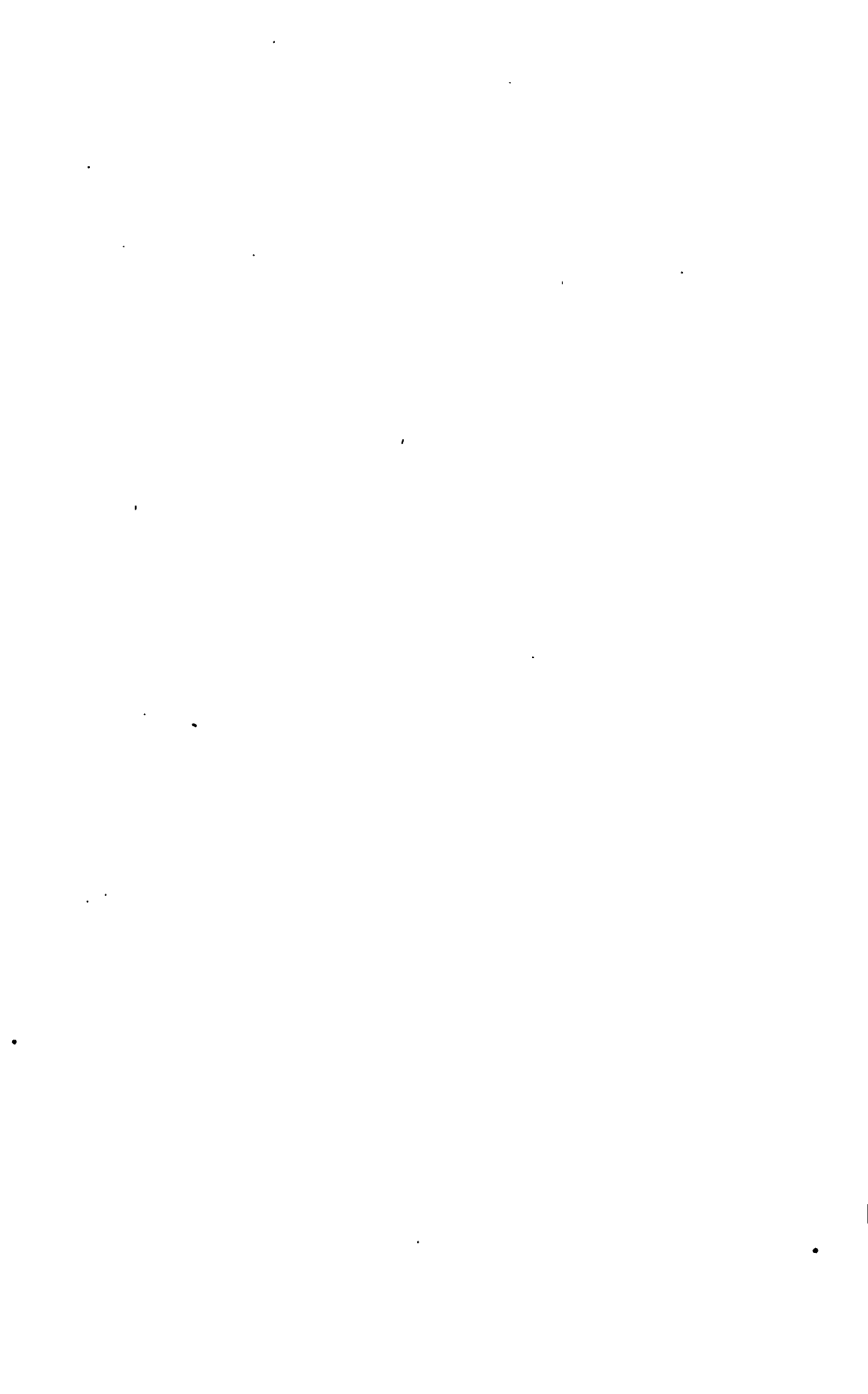
H. B. PERHAM,

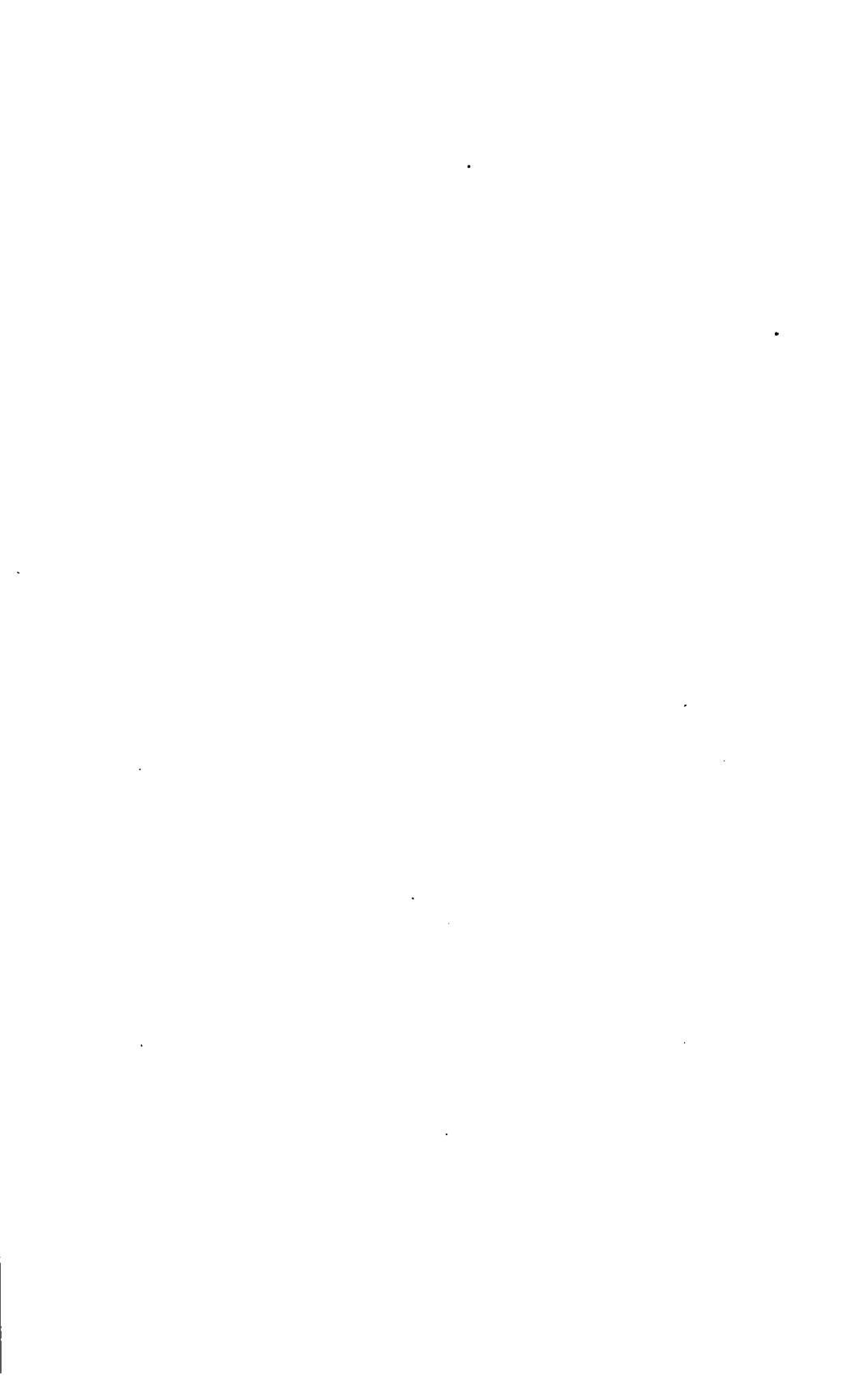
President Order of Railroad Telegraphers.

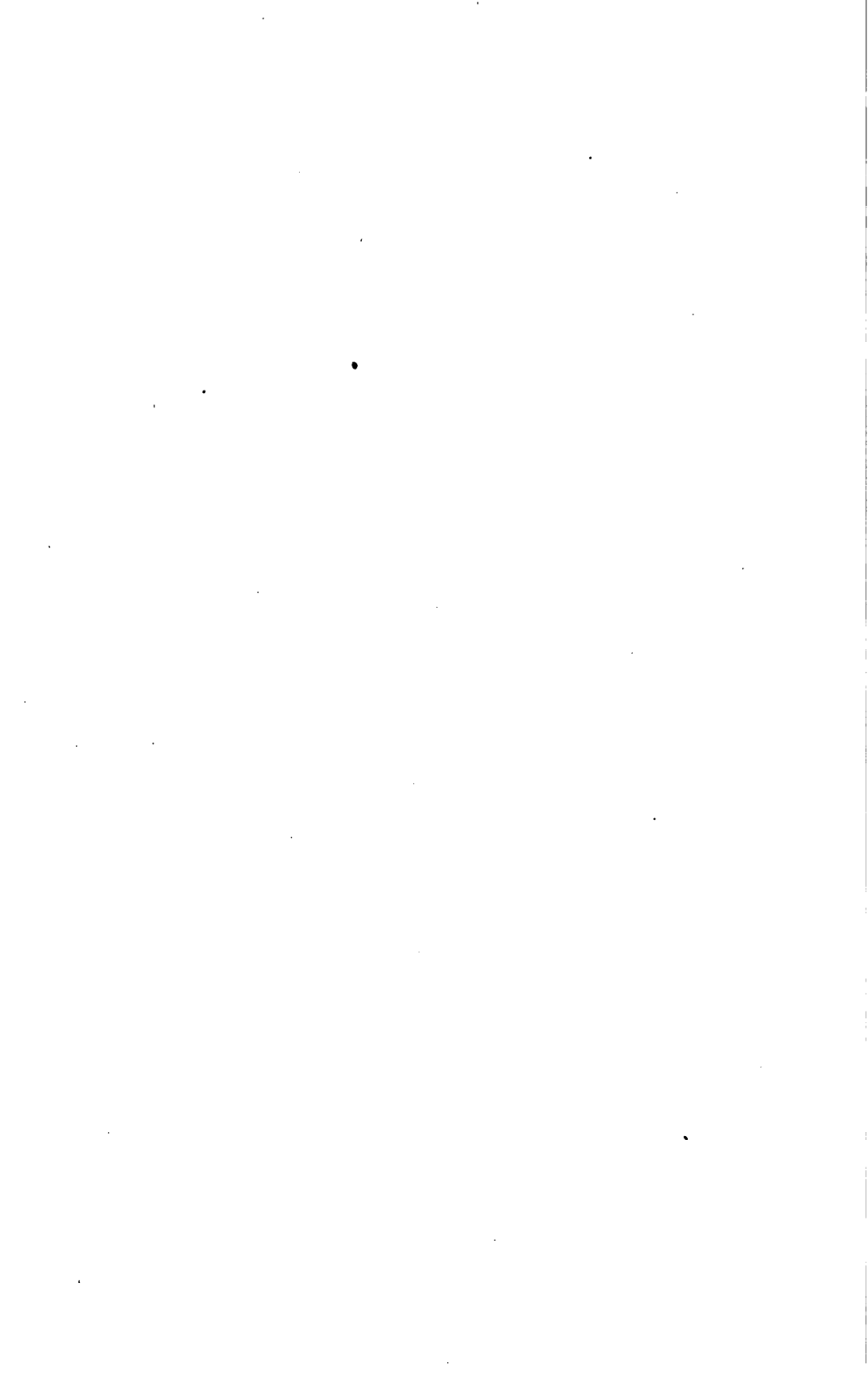




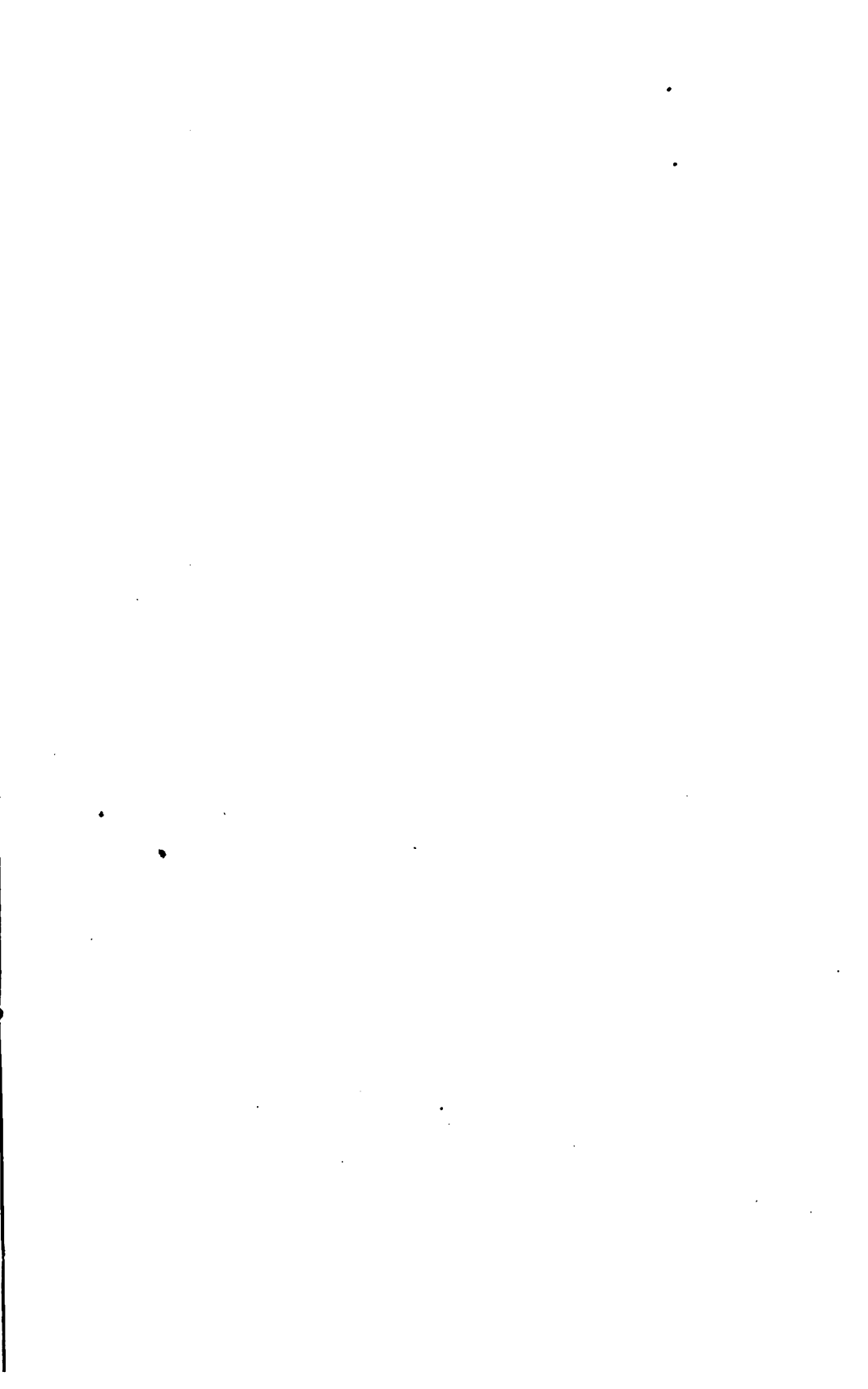


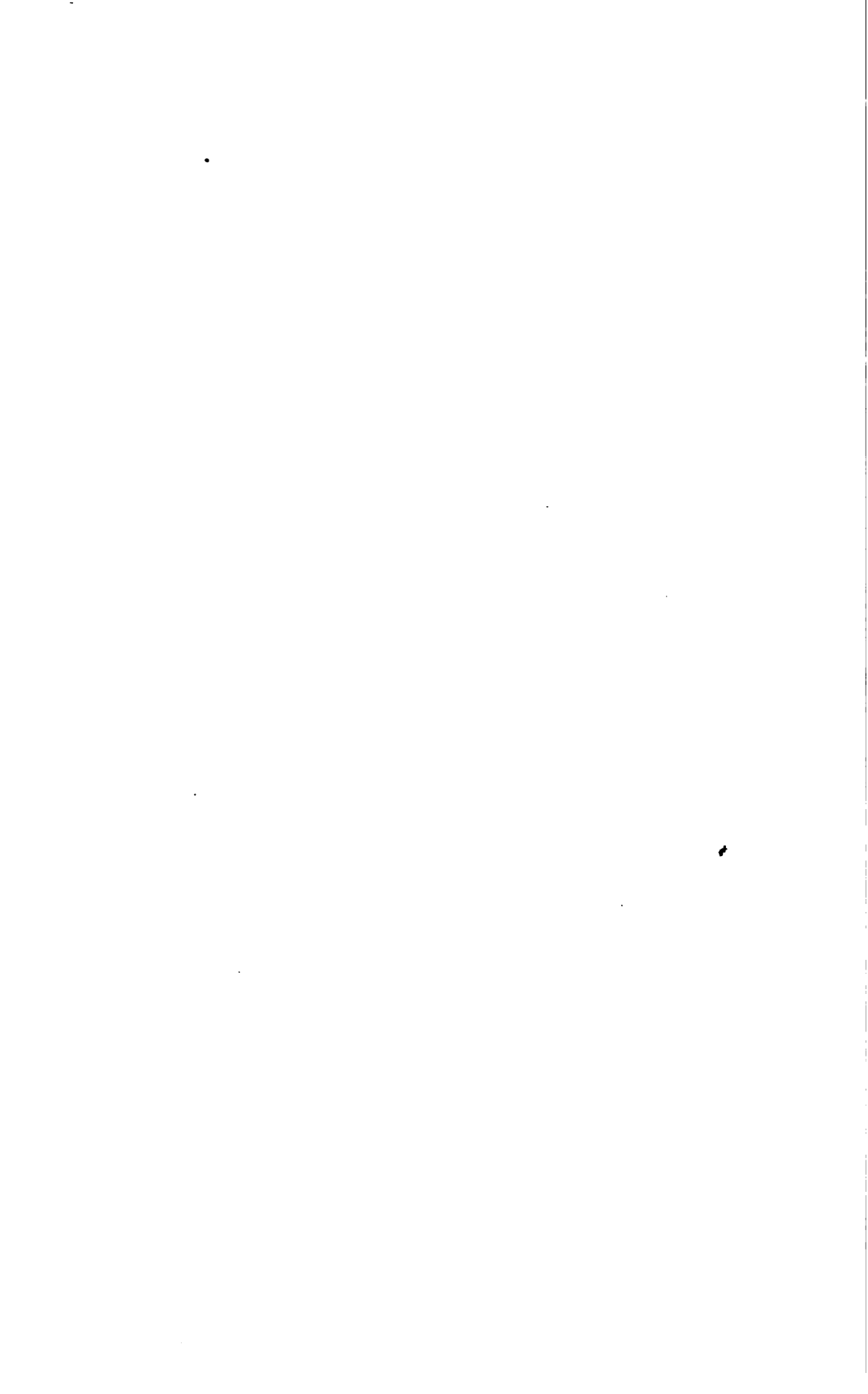


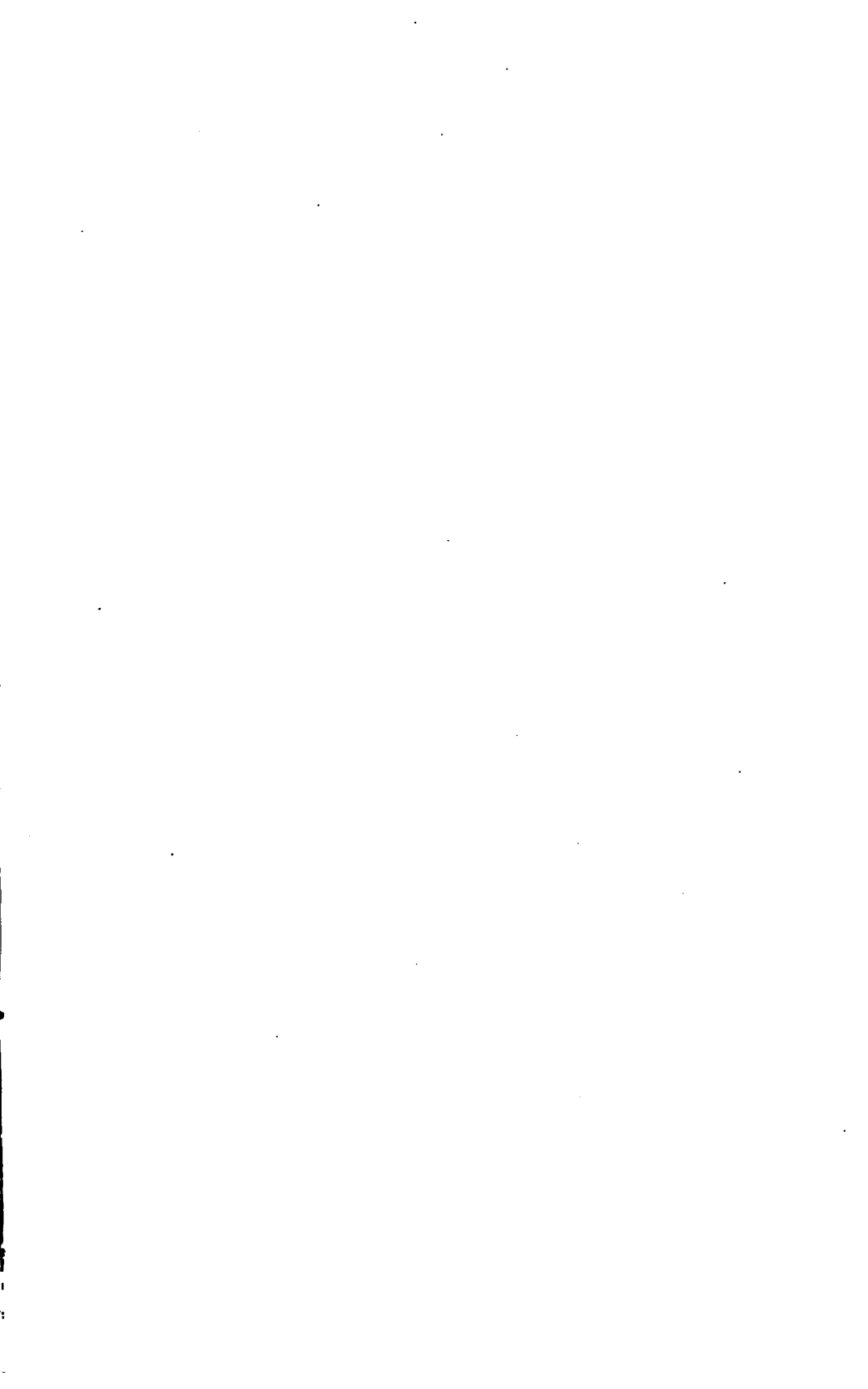


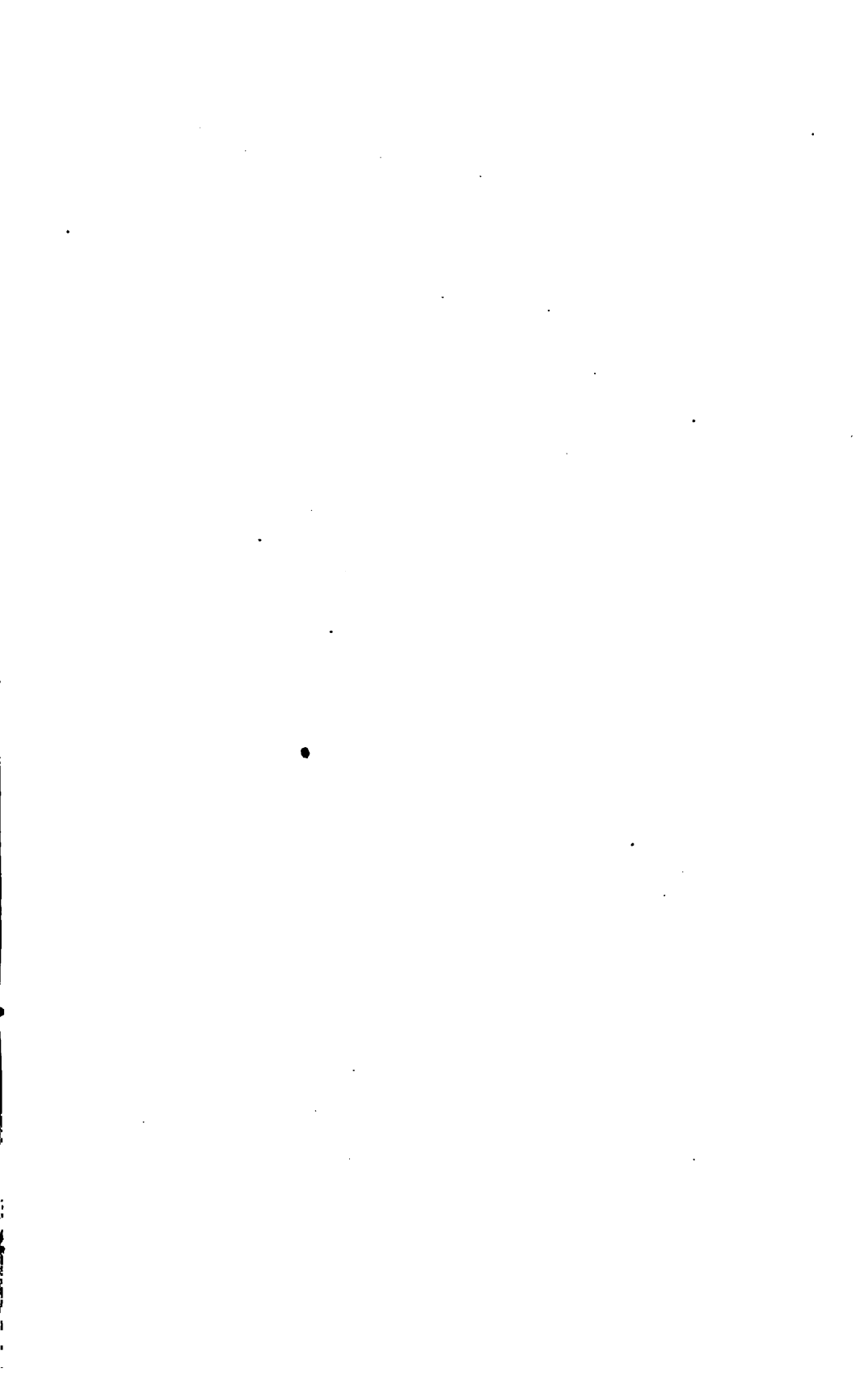






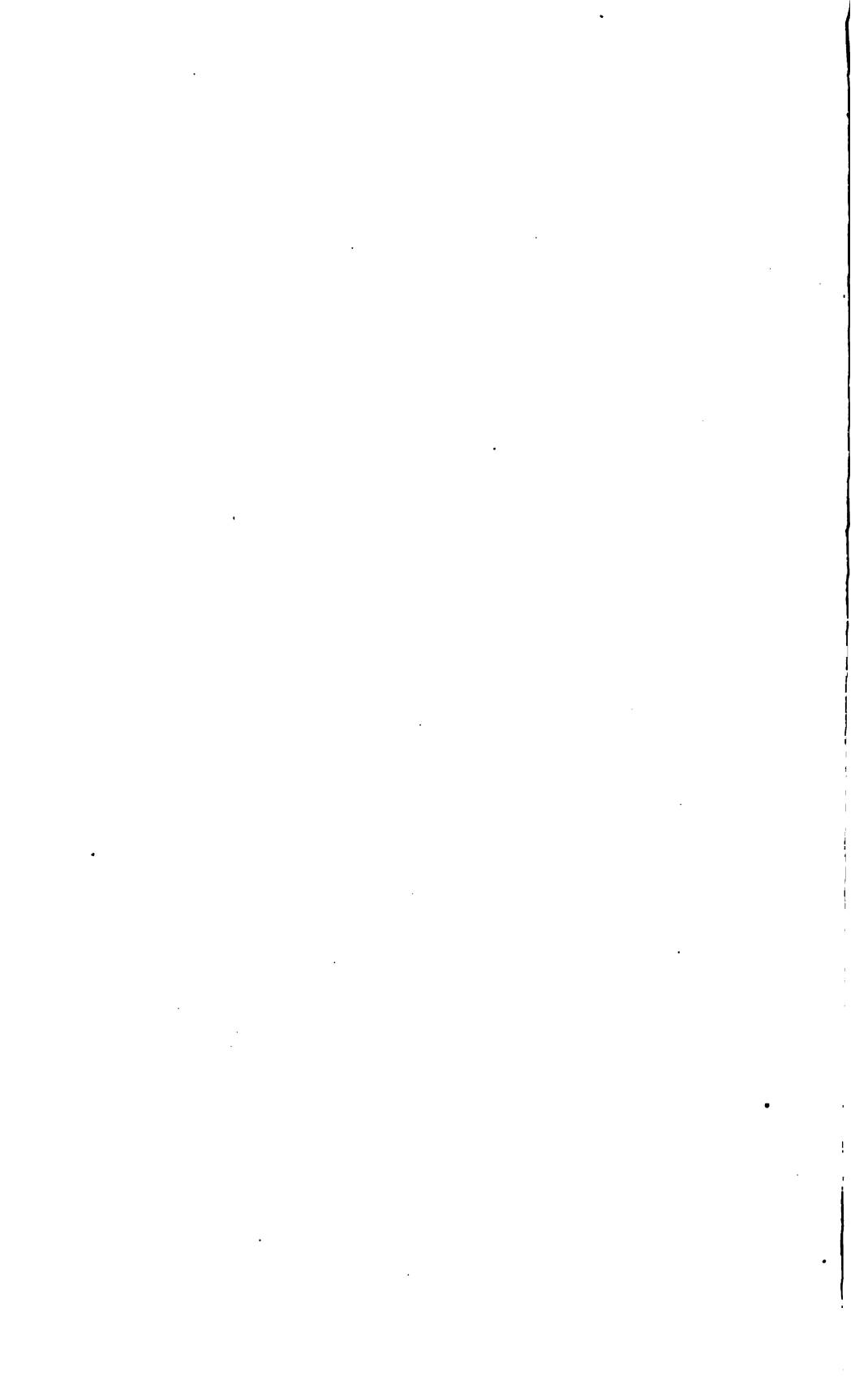


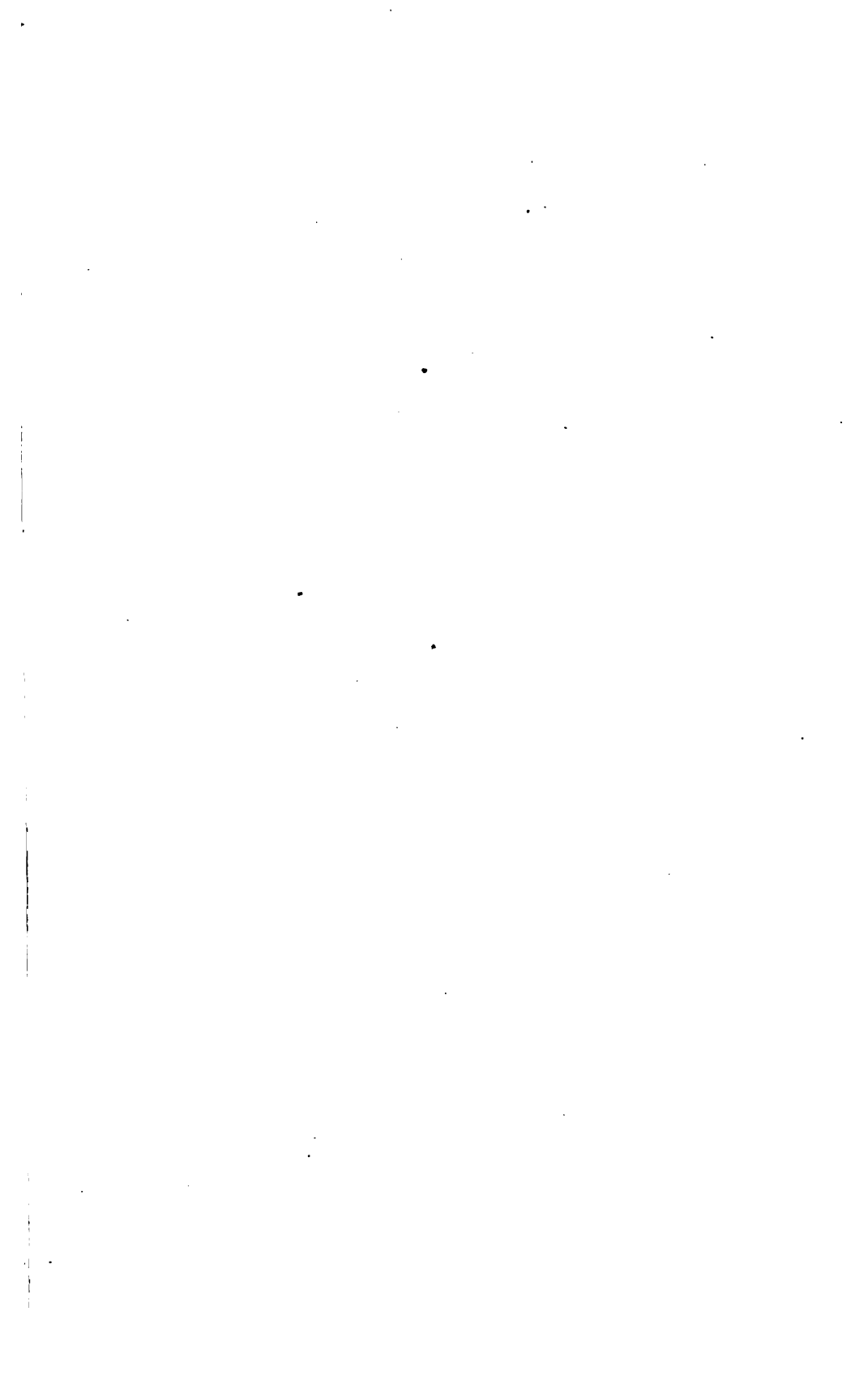














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